SPEECHES

OF THE

MANAGERS AND COUNSEL

IN THE

TRIAL OF WARREN HASTINGS.

EDITED BY

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INTRODUCTION.

The Trial of Warren Hastings, not only is interesting to us at the present day as an instance of proceedings on an impeachment by the House of Commons for high crimes and misdemeanors in office, but will always be regarded as honourable to the country from the motives which originated it and the purposes it was intended to serve. For, whatever other feelings mingled in the prosecution, it was mainly brought about by the generous sympathy of at least one great and noble mind, enkindling that of the nation at large, in the alleged oppression of a remote people, unallied in race, history or religion, and even uncomplaining of their own wrongs. And no object could be nobler than that it aimed at; for its purpose was, at the first birth of an empire destined to embrace nearly a third part of the population of the globe, to purify the principles of its government from the taint of imputed faithlessness and cupidity. And, though generations are passed away since this great public prosecution agitated the minds of all classes in this country, it deserves no less consideration now, when events such as have of late occurred in India force us to trace out with all anxiety the causes, remote as well as immediate, which may have given them birth.

But there is another nature of interest attaching to the trial of Warren Hastings, and which appeals more directly to all cultivated intellects—the interest we feel in the efforts of genius of the highest character, exerted in the conduct of the prosecution, and especially displaying itself in eloquence, the fame of which has reached our own day, as of unprecedented brilliancy.

The present publication will afford the best means for studying the merits of the prosecution, and, for the first time, furnish an opportunity of appreciating the character of the eloquence it gave occasion to. The speeches delivered by Fox and Sheridan, and their opponents, Law, Plumer and Dallas, remain unknown except by the meagrest outline reports. Burke's alone have appeared in print at full length; yet not as they were delivered in Westminster Hall, but prepared for publication by himself, and greatly altered, not only in diction, but in the suppression of parts and introduction of new matter.

The speeches of Prosecutors and Counsel for the Defence will now be published as nearly in their original words as they have been preserved to us: and, since each party laboured to the utmost to display or dissect the evidence with the greatest advantage to its own side, we shall, in reading them, have the best possible assistance in weighing the truth of the charges produced in the impeachment.

It will be convenient for the reader of these speeches to have at hand a short narrative of the series of events which formed the foundation of the charges they refer to. These are connected with only a small part of the great measures which distinguished Mr. Hastings' administration of India. We shall have no occasion to speak of his wars with the Mahrattas, or the struggle for possession of the Carnatic with Hyder Ali. For, although these great efforts of our then feeble power in the East may have given occasion for the course of policy arraigned by Mr. Hastings' accusers, they are not among the transactions included in the Articles of impeachment. The matters referred to in the actual charges against him, especially in the Articles opened in the speeches comprised in the present volume, are mainly connected with the early revolutions in the government of Bengal, the history of the province of Oude, and of its dependency, the zamindary of Benares.

For the purpose in view, the proposed sketch of events need be commenced at no earlier period than that of Lord

Clive's return to England, in the year 1760, after his memorable restoration of the power of the Company, reduced to almost its last gasp by the successes of their opponent, Suraj-ud-Dowla, Nawab of Bengal. The government of the Presidency of Calcutta had been left in the hands of Mr. Holwell, one of the survivors of the horrors of the Black Hole—not as permanent Governor, but as holder of the office until the arrival of Mr. Vansittart, then President of Madras, who had been nominated to the appointment. The settlement made by Clive of the affairs of Bengal survived but a short time his vacation of office. He had established Mir Jaffier as Nawab, and under the shelter of his protection the Nawab ruled in security. But when Clive was no longer at hand, disorder overspread the country. He was assailed from without by the Shah Zada, the eldest son of the Mogul, assisted by Suja-ud-Dowla, Nawab of Oude. During the progress of the war, the Shah Zada, by the death of his father, became Emperor, under the name of Shah Alem, and continued hostilities against Mir Jaffier, with increased power and activity. The Nawab was upheld by his English protectors, whose forces, under the command of Colonel Calliaud, effectually co-operated with his native troops, commanded by his son Miran. In the course of the campaign, an event happened which led to a revolution in the government of the province, and under circumstances which are dwelt on in Mr. Burke's general opening of the prosecution as illustrative of the rapacity of the English servants of the Company. Miran was struck by lightning in his tent during a storm. His troops mutinied, and turned their arms against their prince, the Nawab. To add to the confusion, a contest ensued between the native chiefs for the succession to the high office of commander of the Nawab's army, and Mr. Holwell and his Council adopted the side of Cossim Ali Khan, son-in-law of Mir Jaffier. In return for the assistance which they were prepared to extend to him, and by which he would be assured of the office, and be raised to the position of the virtual ruler of the country, he guaranteed by treaty

Revolutions in the government of Bengal.

the immediate discharge of arrears of payments due from the Nawab, and the concession of the provinces of Burdwan, Midnapore and Chittagong. As was probably foreseen, the revolution, which was, in fact, commenced by the act of forming a special agreement of such a character with the Nawab's principal officer of state, it was found necessary to work out to its full completion in the sequel. Mutual jealousies and distrust increased between Mir Jaffier and the government of Calcutta, and the intrigues of the Nawab's son-in-law, Cossim Ali Khan, introduced disorder into the province, and destroyed the authority of the Nawab over his own vassals. The misrule which prevailed gave excuse for the interference of the English. Mir Jaffier was deposed, and Cossim Ali Khan raised to his place; and the late Nawab, having surrendered on the condition of personal security, was removed to Calcutta. It is charged by Mr. Burke upon the English promoters of this revolution, that they were influenced by promises of enormous presents from the new Nawab. Throughout the transactions, Mr. Hastings, then the Company's Resident at the Nawab's court, was actively employed, though, as only the instrument of higher authority, he might decline responsibility for the measures he helped to carry out.

Mr. Hastings member of the Council of Calcutta.

In August, 1761, after the completion of this revolution, Mr. Hastings was promoted to the office of Member of the Council of Calcutta, and thus acquired a voice in the direction of the affairs of the Presidency. But, as regarded the principal subject which occupied the deliberations of the Board while he continued a junior member of it, namely, the regulation of the commercial intercourse of the agents and servants of the Company with the subjects of the Nawab of Bengal, as also in respect to other transactions connected with the treatment of that Prince, it is said he was an unwilling party to the proceedings of the majority. Abusing their right of interfering in the Nawab's affairs, acquired by the great services rendered to him, the more powerful section of the Council took the course of unjustly supporting the

civil servants of the Company in a selfish and extreme abuse of the commercial privileges allowed them, even to the resistance of the authority of the Nawab; while, on the other hand, they shamefully abandoned to his cupidity and vengeance chiefs in allegiance to him who had incurred his resentment, but whom the Company were pledged to protect. Mr. Hastings' experience of the system of government in the province, and clearer comprehension of the Company's real interests, made him a steady opponent of such policy; and his views were justified by the events which followed. Quarrels soon ensued between the Council and the Nawab, growing more and more envenomed, until the Company was forced to take up arms against the Prince of their own creation. Nor was the contest which ensued one of slight account. The revolted Nawab had secured the assistance of the Mogul, Shah Alem, and the Nawab Wazir of Oude, Suja-ûd-Dowla; and, in the alarm raised in England by the severity of the struggle, the hero of Plassy, who since his return to England had experienced little favour from the Directors, was appealed to to resume his post at Calcutta, with absolute powers for settling the affairs of the Presidency.

But, however impolitic and unjust in its origin, the contest had been carried on with vigour and success by the Company's servants. Mir Cossim was everywhere defeated, and at length compelled to flight; his allies, at the same time, making absolute submission to the conquerors. Nor were Mr. Vansittart and his Council wanting in turning to the full advantage of the Company the opportunity now in their hands for more effectually controlling the affairs of the province. The previous Nawab, Mir Jaffier, originally created by Lord Clive, was reinstated; his restoration to power being acknowledged by the payment of heavy sums for the expenses of the war, and other concessions. Dying shortly after, in January, 1765, his eldest surviving son, Nujem-ud-Dowla, was selected by the Governor and Council of Calcutta to succeed him,

Restoration of the Nawab, Mir Jaffier.

and this fresh opportunity of enlarging and confirming the power and privileges of the English was not neglected. By a treaty concluded with the new Nawab, the military defence of the country was placed in the hands of the English; the civil government was virtually secured to them; and, to divest the Nawab of the power of thwarting or resisting their influence henceforward, he was bound to place the entire management of all the affairs of the government of his country in the hands of a deputy, or Naib Subah, to be nominated by the Governor and Council.

Treaty with his successor.

To this important office the Nawab was anxious to appoint Nundcomar, a man of corrupt character, and who, while acting as Minister of the late Nawab, Mir Jaffier, had been suspected of treacherous conduct towards the English. The selection was resisted by the Governor and Council, who appointed an able and trusty minister, Mohammed Reza Khan.

This advantageous settlement of the province of Bengal had been already concluded when Lord Clive returned to India, invested with unusual powers, in April, 1765. He found, when he took possession of his office, that not only was the danger which had appeared so formidable already averted, but that the possessions and authority of the Company had received considerable enlargement. He at once bent his mind to the task of securing the advantages gained, and adding to them by fresh agreements with the Nawab. With this view he made a progress up the country in person, and concluded a joint treaty with the Mogul Emperor, the Nawab of Bengal, and the Nawab Wazir of Oude, by which their relations with each other and with the Company were more carefully defined. This is the treaty of Allahabad; a treaty which forms an epoch in the history of the period, and which is frequently referred to in the arguments on the prosecution of the charges against Mr. Hastings. The Mogul was obliged to resign all claims to arrears of tribute from Bengal; to surrender certain jagirs previously secured to him; and to grant the famous firman, dated on the 12th of

Treaty of Allahabad.

August, 1765, conceding the diwani or collectorship in Bengal, Behar and Orissa, to the East India Company. On the other part, he was to receive an annual tribute of twenty-six lacs of rupees, equal to 260,000*l.*, and to be put in possession of the countries of Corah and Allahabad.

The Nawab of Bengal, Nujem-ud-Dowla, was required to associate two other persons with Mohammed Reza Khan in the office of Naib Subah; to make over the management of the subahdary, and resign the entire revenues, to the Company; a pension of fifty lacs of rupees, or 500,000*l.*, being reserved for himself.

A demand was made upon Suja-ud-Dowla, the Nawab Wazir of Oude, for the payment of fifty lacs of rupees towards the expenses of the late war; but he was fully reinstated in his dominions, with the exception of Corah and Allahabad, made over to the Mogul. Connected with the settlement of Oude, an arrangement was concluded respecting its dependencies, the zamindaries of Benares and Ghazipore; and to this more particular attention must be drawn, as the affairs of these districts form a principal foundation for the charges preferred against Warren Hastings.

Zamindary of Benares.

The zamindary of Ghazipore, part of the province of Oude, had been acquired through a course of clever intrigue by a native named Manseram. He was succeeded by his son, Bulwant Sing, who, by following his father's arts, succeeded in greatly enlarging his dignity and influence. To the zamindary of Ghazipore he procured the addition of that of Benares; and, when the contest broke out between his chief lord, the Nawab of Oude, and the English, he had attained such a degree of wealth and power that he was able to treat with the English as an independent Prince, and actually brought a large force into the field in their support against the Nawab. It was ever the policy of the Company to protect those of the native Princes who, under whatever circumstances, had adopted their interests. While Suja-ud-Dowla, therefore, the opponent of the English in their recent struggle with the Nawab of Bengal, was, from

motives of policy, to be restored to his dominions, his rebellious feudary, Bulwant Sing, Raja of Benares, was not to be abandoned to his vengeance. Express provision was made in the treaty of Allahabad that Bulwant Sing was to retain his possessions in full security, and without any addition being made to the annual payment he had been before liable to, as tribute to the Nawab.

Return of Mr. Hastings to England.

In this final settlement of the affairs of the Presidency Mr. Hastings had no share. In November, 1764, he had resigned his seat in the Council of Calcutta, and returned to England. After four years of inactivity, and owing, it is said, to the favourable impression produced by his evidence before a Committee of the House of Commons on the affairs of India, his application for further employment under the Company was accepted, and in the spring of 1769 he embarked again for India, to fill the post of second in the Council of Madras. He was moved to the Council of Calcutta in December, 1771, and in April of the ensuing year was installed in the office of President. His administration commenced at a period of the greatest depression of the Company's affairs. In addition to the exhaustion of the treasury occasioned by a war in the Carnatic, a famine had prevailed, during the years 1769 and 1770, of such severity that a third of the population was estimated to have perished through its effects. A great deficiency in the ordinary revenue was the consequence; and the financial embarrassments of the Company were so great that, after exhausting their credit with the Bank of England in loans, they were compelled to have recourse to the Imperial Government for assistance. The opportunity was seized by the Ministers of the day to effect a resettlement of the government of India; and, in the summer of 1772, two Acts were passed for regulating the financial affairs and the government of the Company. The main alteration introduced consisted in the establishment of a Governor General and Council in Calcutta, to have supreme authority in

His appointment as President of Calcutta.

India, and in the creation of a Supreme Court of Judicature, the decisions of which were to be guided by the principles and practice of English law.

During the interval between the succession of Mr. Hastings as President of the Council of Calcutta and his creation as Governor General, measures were passed requiring notice from their influence on events referred to in the trial. The Directors had signified their intention to abolish the office of native Naib Diwan, and to transfer the execution of his duties to the Council. The office included two departments; that of the collection and regulation of the revenue, and the general administration of the affairs of the province. By express orders from the Directors, the Naib Subah, Mohammed Reza Khan, was not only deposed from his office, but arrested, and held prisoner in Calcutta on charges of fraud and peculation. The office itself was divided. A native functionary, under the title of Roy Royan, was appointed to assist the Council as superintendent of the district divisions; and to this office Raja Goordass, son of Mohammed Reza Khan's bitter enemy, the Raja Nundeomar, was nominated; Nundeomar himself having been recommended to the place by the Directors, on the express ground of his enmity to Mohammed Reza Khan. This ill-treated, but apparently innocent officer, was held in confinement for a considerable time before being brought to trial, and then acquitted of the charges against him.

Office of Naib Diwan.

Shitab Roy, Diwan of Patna, who had been arrested at the same time as Mohammed Reza Khan, was also tried, and honourably acquitted. He died shortly after his release, and his death has been ascribed to a broken heart, produced by his sense of the indignities and suspicions he had been subjected to. By other authority this assertion is disputed; and it is pointed out that, on the close of the investigation into his conduct, he was appointed Roy Royan of Behar, with the addition of the office of Naib Nazim. His son was at once nominated his successor by Mr. Hastings, as

an expression of his high sense of the father's integrity and merit.*

The chief portion of the functions of the second department, or the office of Naib Nazim, viz. the guardianship of the young Nawab, were conferred on Munny Begum, widow of the late Nawab, Mir Jaffier.

The Rohillas. Meanwhile, in the ever-changing condition of Indian polities, occurrences had taken place which already required a modification of the treaty of Allahabad. Deprived of real power by the successive agreements he had been compelled to conclude with the English, the Mogul had been residing at Allahabad, in enjoyment of the districts conceded to him by the treaty. But, although condemned to inactivity and obscurity by the exigencies of English policy, he nursed an eager longing to parade himself in all the outward glories of royalty in the ancient capital of the Mogul empire. He had set his heart on being crowned at Delhi. In order to accomplish this, in despite of the opposition of the English, he was induced to cultivate an alliance with the Mahrattas, whose power at that period overawed every neighbouring state. Having assured himself of the support of these formidable marauders, and the assistance of Suja-ud-Dowla, Nawab of Oude, who, while cautious not to incur the resentment of the English, looked for an oportunity of serving his own interest in any troubles which might ensue, he set out with a small army from Allahabad. While detained by the rains in the neighbourhood of Furruckabad, on his route to Delhi, he was joined by certain of the Mahratta leaders, with whom he had settled the hard terms of their support; and on the 25th of December, 1771, he made his entry into the capital. But few days were suffered to elapse before it appeared with what object the Mahratta chiefs had given their assistance towards gratifying the ambition of the Mogul. The country of the Rohillas lay between the Ganges and the mountains, and bordering on the north-west portion of Oude.

* Mill's History of India.—Note by Wilson, Vol. III., p. 548.

The people who held it were descendants of Afghans, who had received the district from the Mogul in reward for services rendered in war. The country itself was of great fertility. It had long been coveted by successive Nawabs of Oude; and had also attracted the dangerous attention of the Mahrattas, by proposals made to them for its conquest many years before by a predecessor of Suja-ud-Dowla. It was his countenance and assistance in the plundering of this country which was now exacted from the Mogul Emperor by these ruthless robbers. The Emperor's terrors helped to persuade him to yield to their demands. By resuming the government of the district of Delhi into his own hands he had dispossessed a Rohilla chief, Zaluta Khan, who had acted as his deputy; and he feared the consequence of his resentment of this injury. The lands of this chief lay apart from the remaining district, and nearly contiguous to Delhi itself. The Emperor's consent to the proposed expedition was given. The territories of Zaluta Khan were overrun and laid waste, and the whole body of Mahrattas now threatened the general country of the Rohillas.

The power of these people—though they are said to have numbered 25,000 men in arms—was unequal to resist the invasion they were threatened with. In their despair, they sought aid from the neighbouring state of Oude. The policy followed by Suja-ud-Dowla on the emergency appears to have been to extract money from the Rohillas under the pretence of protecting them from the Mahrattas, and to rely upon the English for the force requisite to check the course of these invaders, whom he regarded with apprehension on his own account. Proposals to this effect were made by him to the President and Council of Calcutta, through Sir Robert Barker, then commanding the English troops in the neighbourhood. Assent was given to the proposals, in a letter from the Presidency, dated the 3d of February, 1772. But the efforts of Suja-ud-Dowla to treat with the Mahrattas were unsuccessful, and they effected a partial invasion of the country of the Rohillas. On the 17th of June, a treaty

of alliance was concluded between the Wazir and the Rohillas, the most important condition of which was, that the latter should pay a sum of forty lacs of rupees into the hands of the Wazir, to be applied to purchasing the withdrawal of the Mahrattas from their half-executed enterprise, or supplying sufficient protection against them from his own resources. Of this sum only five lacs were actually paid to the Wazir.

Meanwhile, the Mahrattas, who had retired across the Ganges previous to the rainy season, again threatened an incursion into the Rohilla country. The promised aid of the Wazir was very partially given, the only semblance of assistance afforded being from a body of English troops, under Sir Robert Barker, who guarded the frontier of the Wazir himself, but in some measure overawing the Mahrattas by his presence. The Rohillas were accordingly thrown on their own resources, and they saved their country only by the expedient of purchasing the mercy of the Mahrattas by a money payment. Throughout these transactions the Government of Calcutta had acted on the principle of protecting the Rohillas by strengthening the Wazir and threatening the Mahrattas, should they expose themselves by advancing far into the country; and had uniformly expressed confidence on the ultimate withdrawal of the Mahrattas, on account of the revolution recently effected in their own country.

Treaty with the Nawab of Oude, at Benares.

When the immediate danger had passed away, it became evident that measures were required for more effectually securing the country against a repetition of the late danger. With a view to concluding the necessary arrangements on the spot, Mr. Hastings obtained the sanction of the Council to his proceeding in person up the country to hold an interview with the Wazir. He accordingly met Suja-ud-Dowla at Benares, in the month of June, 1773, and received from him propositions of undisguised self-interest, and fatal to the Rohillas, but which Mr. Hastings was induced to accede to.

The difficulty before him lay, not only in providing against further Mahratta incursions, but in dealing with the Mogul

Emperor himself—powerless to assist, but dangerous in the countenance he was able to give to those who could force him into a participation in their projects. In the recent events he had become a resistless tool in the hands of the Mahrattas, who had not scrupled to force him to their purposes by open violence. They had extorted from him a grant of the important provinces of Allahabad and Corah, lately conceded to him by the English, and which, lying within the boundaries of the province of Oude, would, in the occupation of the Mahrattas, have exposed that district, as well as other neighbouring states under English protection, to obvious danger.

The propositions of the Wazir were nothing less than—First, that the English should assist him in the absolute conquest and annexation of the country of the Rohillas, on the ground of its having ever been a source of danger to his own province, from the predatory habits and turbulent character of its rulers, and the probability of their allying themselves, in self-defence, with the still more dangerous Mahrattas. Secondly, that he should be put in possession of Corah and Allahabad, an actual part of his territories, and which the Mogul Emperor had shown himself unable to maintain on his own account. The inducement offered to the English to agree to these proposals was, the payment by the Wazir of the entire expenses of the war and a sum of forty lacs of rupees into the treasury at Calcutta, for the first, and the payment of fifty lacs of rupees, within two years, for the second condition. It is not our object to examine into the justice or policy of the proposed agreement, and we are content with the simple statement that the terms were, according to Mr. Hastings' own statement, agreed to, but that, after things were thus adjusted, the Wazir himself, "fearing that he had engaged beyond his ability, desired to decline the Rohilla expedition." It was agreed, however, that the monthly charge for the expenses of the English troops, when engaged in the service of the Wazir,

should be fixed at 210,000 rupees.* In one respect Mr. Hasting showed his consideration for his engagements with his allies. He bound the Wazir to respect the rights of Cheyt Sing, the Raja of Benares, and to confirm him in all his independent privileges and power.

It is to be remarked, that, on the return of Mr. Hastings from his visit to Benares, he procured the sanction of the Council to the establishment of a resident agent at the Court of the Nawab of Oude, to be the instrument for conducting affairs which could not be as conveniently treated of through written communications: and he further procured to himself the exclusive power of nominating and removing the Resident, and of corresponding with him independently of the Board. The first exercise of this authority was in the appointment of Mr. Middleton as Resident at Lucknow.

The professed reluctance of the Wazir to engage in the Rohilla enterprise was not of long duration. In the month of November he made a formal application to the Government at Calcutta for their assistance in subduing the country. The English co-operation was recommended by Mr. Hastings, and agreed to by the Council. The events which followed are well known. In the beginning of the year 1774, the united forces of the Wazir and the Company commenced operations against the devoted Rohillas. After a determined resistance, these warlike people were effectually scattered, and their country subdued. The expressed object of the Wazir was the extirpation of the whole race, and his troops, tardy enough on occasions of hard fighting, were unwearied in the work of plunder and destruction. The cruelties committed in the country by their hands exceeded the usual horrors of invasion.

The Supreme Council.

The day fixed by the Act of Parliament for the commencement of the new form of the governing body, was the 1st of August, 1774. Henceforward the Government of Bengal was

* Letter of Hastings to L. Sulivan, Esq., dated 12th October, 1773.—Gleig's Memoirs of Warren Hastings, vol. I., p. 353.

supreme over the other Presidencies, and was to consist of a Governor General and Council of four. The action of the Board was regulated by the will of the majority, the Governor General having only a casting vote. The new Council was to consist of Mr. Barwell, already experienced in the government, and three members to come from England, namely, General Clavering, Colonel Monson and Mr. Francis. It will not be necessary to go into the history of the dissensions which prevailed at the Board from their first sittings, till the members of it were separated by the deaths of two of their number, General Clavering and Colonel Monson, and the eventual retirement of Mr. Francis. We shall only observe, that it was a plea put forward by Mr. Hastings, in his Defence to the charges of the House of Commons, that some of the acts he was made responsible for were in fact the resolutions of the majority of the Council, to which he was opposed.

The earliest acts of the hostile majority of the Council were, the condemnation of the Rohilla war; the withdrawal of Middleton, the Resident at the court of the Wazir of Oude, and the appointment of Mr. Bristow in his place; peremptory orders to Suja-ud-Dowla to retire from Rohilcund, and a demand of immediate payment of the forty lacs of rupees for which he had bound himself. At the beginning of the year 1775, however, Suja-ud-Dowla died, and was succeeded by his son, Asoff-ud-Dowla. On the 21st of May a treaty was concluded with the new Nawab, in which the Company were made to guarantee to him the provinces of Corah and Allahabad; and the Nawab made over to the Company his property, the territory of Cheyt Sing, the Raja of Benares, yielding a revenue of twenty-two lacs of rupees; consented to increase the monthly allowance for the service of the Company's troops to 260,000 rupees; and took upon himself the unpaid balance due to the Company from his father.

This short view of the course of events in the provinces of Bengal and Oude will serve to introduce the transactions

brought most prominently forward in the Articles of Charge on which the impeachment of Hastings was based, and more particularly in the first and second Articles, which are urged against him in the remarkable speeches comprised in the present volume. The first of these relates especially to the treatment of Cheyt Sing, the Zamindar of Benares and Ghazipore.

Insurrection of Benares.

It will be remembered under what terms Bulwant Sing, the Raja of Benares and Ghazipore, was secured in his territories in the treaty of Benares. But, by an oversight in the wording of the terms of the agreement, its benefits were secured only to the individual, and not to his successors. On occasion, therefore, of the death of Bulwant Sing, which took place in October, 1770, the right was claimed by the Nawab Wazir, Suja-ud-Dowla, to take the territories into his own hand; but, mainly by the exertion of English influence, he was induced to renew the grant of territory to Cheyt Sing, on his agreeing to the payment of an additional rent or tribute of two and a half lacs per annum.

In the treaty of Benares, of 1773, Mr. Hastings engaged the Wazir to execute a grant, confirming to Cheyt Sing and his heirs the territories of Ghazipore and Benares, and protecting him against encroachments on his authority or exaction of rent or tribute beyond the stipulated amount; and this was fixed at 22 lacs 48,000 rupees. To this grant Mr. Hastings added the guarantee of his seal.

In the month of March, 1775, shortly after the death of the Nawab Wazir, Suja-ud-Dowla, the Bengal Government was again called upon to interfere in behalf of Cheyt Sing, who complained of attempts made by the new Nawab, Asoff-ud-Dowla, to force from him his tribute in advance; and Mr. Bristow, the Resident at the Wazir's court, was instructed by the Council to remonstrate against such injustice. But an important change in the condition of Cheyt Sing was impending. In consequence of the non-payment by Asoff-ud-Dowla of arrears of sums for which his father was engaged, he was forced into new arrange-

ments by the majority of the Council, and was obliged to consent to the transfer of the sovereignty and tribute of Benares and Ghazipore to the Company. This agreement was concluded in May, 1775; and it necessarily jeopardised, if it did not immediately annihilate, what independency Cheyt Sing had hitherto virtually enjoyed. For, while under the sovereignty of the Nawab of Oude, he had the protection of the English to guard him from encroachments of the Nawab; but now, holding immediately under the Company, he had no shield against an arbitrary exercise of their superiority. In the arrangements made on occasion of this transfer of sovereignty, an addition to his authority was given in the powers of administering justice, and in the right of coinage; and he was recommended, but not required, to maintain a body of 2,000 cavalry, for which the Company was to pay fifteen rupees per month for each private, and for officers in proportion, while engaged in the Company's service. On the 7th of July, 1778, intelligence was received by Mr. Hastings of a war having sprung up between Great Britain and France, and information, derived from Lord Stormont, then ambassador at Paris, was added of machinations at the French court against the English possessions in the East. The scheme of defence of the country devised by Mr. Hastings necessitated a large expenditure of the Company's money; and he proposed to the Council, and received their sanction, to demand from Cheyt Sing, as having a common interest in the security of the country, the payment of a sum of five lacs of rupees towards the general expenses. To this demand Cheyt Sing yielded a ready assent; and, although he subsequently pleaded inability to meet the payment, he eventually fulfilled his engagement. The same amount was demanded in the two succeeding years 1779 and 1780, but paid with irregularity and reluctance. In the latter year an additional demand was made of a force of 2,000 cavalry, which on remonstrance from Cheyt Sing was reduced to 500. He could only be induced, however, to promise the number of 250, and none were actually

furnished. It is to be remarked, that, notwithstanding the difficulty experienced by Cheyt Sing in remitting his contribution for the year 1780, he actually pressed on Mr. Hastings, in that year, a present of two lacs of rupees, hoping, by the influence of the gift, to induce him to remit the exaction. Mr. Hastings accepted the present and applied it to the Company's service, but insisted, nevertheless, on the full payment of the original demand.

Extreme dissatisfaction was felt at the hesitations and delays of Cheyt Sing in furnishing the contributions demanded of him. He had the reputation of great wealth, from the known accumulation of riches in his capital of Benares, through the influx of devotees resorting to it as a sacred city. His existence as an independent Prince had been mainly owing to the Company's protection and influence. Mr. Hastings, moreover, had always advocated his interests, and seems to have felt a personal resentment at his efforts to evade the exactions he had arbitrarily subjected him to.

With a mind thus ill-disposed towards the Raja, Mr. Hastings set out on a personal visit to Benares, having invested himself, by the assent of Mr. Wheler, the only remaining member of Council, with the entire power of Governor General and Council for the purposes of his journey. He reached Benares on the 14th of August, 1781, and, acting on a predetermined resolution of evincing his displeasure, he forbad the Raja's proffered visit, and sent him a paper of charges, to which he required an immediate answer. Notwithstanding that Cheyt Sing's reply was couched in terms of abject submission, he was ordered under arrest. It is not necessary to dwell on the events which followed this indignity. The people of the city rose in insurrection. A body of 205 sepoys were cut to pieces—the Raja was liberated—Mr. Hastings himself was forced to escape to Chunar—and it was only after the greatest risks to himself and the detachments which came to his assistance that the troops of the Raja, numbering 2,000 trained men,

with as many armed husbandmen and volunteers, were overpowered, and the forts of Pateeta and Bidgey Ghur taken. Cheyt Sing himself fled the country, and found shelter with Madajee Scindia. His zamindary was considered forfeited, and was conferred on his lineal successor, Mehipnarain, whose stepfather, Durbejey Sing, was appointed Naib, or deputy, and thus invested with the actual government of the district. The issue of the revolution was unsatisfactory. Durbejey Sing proved an incompetent administrator, and was as backward in the important duty of paying up the balances of the tribute as Cheyt Sing himself. He was deposed from his office, and thrown into prison in November, 1782; was liberated after six months' detention, and again and more rigorously imprisoned from March, 1784, to March, 1785, when he died. Jugger Deo was selected to fill the place of Durbejey Sing; and he, as it is charged, in order to meet Mr. Hastings' demands, oppressed and harassed the inhabitants of the province, and reduced it to such a state of exhaustion that his removal too became necessary, a year after his appointment. Such is the outline of events which form the basis of the first of the Articles of Charge against Mr. Hastings.

The spoliation of the Begums or Princesses of Oude, the widow and mother of the Nawab Wazir, Suja-ud-Dowla, named Munny Begum and the Bow Begum, form the subject of the second Article. The younger of the ladies had, on the death of her husband, the Nawab, been allowed to retain possession of the treasures, supposed to be very considerable, which he had accumulated, and which during his lifetime he had entrusted to her care. The question had, indeed, arisen in the Supreme Council whether her claim to the treasures should be supported by them, it being a custom of Mohammedan law that the property of the father descends to the son, with the reserve of a small portion only to the widow. The disposition of Mr. Hastings was to give the treasures to the new Nawab, as a matter of legal right, and as a means to enable him to pay off the balances The Begums of Oude.

due from his father to the Company. His judgment, however, was overruled by the majority of the Council, and the Princess retained the treasures. Both ladies, moreover, were invested with jagirs, or government revenue from certain lands, of which they had the control and management, assigned them for the support of themselves and the immense family of children and dependents left behind him by the deceased Nawab, numbering, it is stated, about 2,000 persons.

The history of the Company's connexion with the province of Oude, already briefly stated, will serve to show the importance it was to them that its affairs should be orderly and well regulated, and its finances clear from embarrassment. By the treaty of Fyzabad, concluded with Asoff-ud-Dowla in the month of May, 1775, the Nawab was bound to maintain a brigade of the Company's troops at a fixed rate of allowance. In 1777, a stipulation was made for his entertainment of a second temporary brigade of English troops, on the express condition that the expense of its maintenance should be charged upon him "for so long a "time only as he should require the corps for his service." Several detached corps were also placed under his pay, and part of his own troops placed under English officers. But the Nawab was charged with general mismanagement and oppressive rule of his province, and his obligations to the Company were at all times very imperfectly fulfilled. His revenues yearly fell off, and his debts increased. To meet his first difficulties he had appealed to the Bow Begum for assistance out of his father's treasures, his own right to which he never ceased to uphold. Soon after his succession, he succeeded in extorting in several payments a sum of twenty-six lacs of rupees, or 260,000*l.*; and in the same year, 1775, a further sum of thirty lacs, 300,000*l.*, was paid to him by the Begum, upon a covenant, guaranteed by the Resident of the Company at the Wazir's court, on his own responsibility, that no further demand should be made upon her. Perpetual complaints, notwithstanding, were received from

the Begum by the Governor and Council of renewed attempts by the Nawab to force her to disgorge further sums from the coveted treasure. These dissensions had reached so great a height at the beginning of the year 1778 that the elder Begum had resolved to quit Fyzabad and make a pilgrimage to Mecca; and, in the month of March of that year, the Council,—Mr. Hastings being at the time in the ascendant,—directed their Resident to protect the Bow. Begum, in virtue of their guarantee to the covenant of 1775.

Things were in this state in Oude when Mr. Hastings determined on his visit to Benares; and it was part of his purpose to extend his progress to Lucknow itself, with a view to arranging the distracted affairs of the province, as soon as he had transacted his intended business with Cheyt Sing. It is to be noted that he had already re-appointed his first nominee, Middleton, removed by the majority of the Council, to the post of Resident at Lucknow, in direct opposition to the commands of the Directors. The insurrection of Benares took place in August, 1781. Mr. Hastings withdrew to Chunar, and Asoff-ud-Dowla showed his consciousness of his own good faith and allegiance by repairing to him there, and thus placing himself completely in his power. It is hardly to be doubted that, before setting out from Calcutta, Mr. Hastings had arranged in his mind, in part at least, the course he was now about to follow in dealing with the difficulties of the province. He was, no doubt, mainly influenced by the pressing necessity for funds to support the enormous efforts required of his government at that juncture of the Company's affairs: and, in addition to motives which he might have brought with him from Calcutta, he found fresh pretexts for stripping the Begums of the wealth they enjoyed in reports, stated to have been brought to him at Chunar, of their intrigues in instigating Cheyt Sing to resistance to his wishes, and of actual insurrectionary movements of portions of their troops in support of the rebellious

Raja. The result of these influences on his mind was shown in the terms of the treaty concluded with Asoff-ud-Dowla at Chunar, on the 19th Sept. 1781. The Nawab was to be relieved from the pay of all English troops, saving the single brigade originally left with Suja-ud-Dowla, and one regiment of sepoys for a guard for the Resident; and permission was granted to him to resume such of the jagirs within his territories as he might wish, on the condition of paying pensions, equivalent to the net rent, to such of the holders as had the Company's guarantee. As no advantages appeared in the treaty, as given to the Company in return for these concessions, it was clear that there were other secret understandings between the Governor General and the Wazir; and it subsequently came to light that the Wazir had agreed to strip the Begums of both their treasure and their jagirs, and to apply the proceeds to liquidating his debts to the Company.

The Wazir, having once undertaken to adopt this extreme measure, was not suffered to draw back from his engagement. The orders sent by Mr. Hastings to Middleton, the Resident at Lucknow, were most peremptory, to force him to immediate measures to resume the jagirs and to seize the treasure. Middleton's own hesitation and reluctance was severely reprimanded, and he was encouraged himself to proceed to the confiscation of the jagirs, and thus constrain the Wazir to act in order to preserve the appearance of his own authority. The jagirs were, in fact, resumed; and the Wazir himself, accompanied by the Resident, proceeded with his troops to surround the Begum's palace at Fyzabad, in order to effect the seizure of the treasure deposited there. They reached the palace on the 12th of January. Failing to gain their object by persuasion and negotiation, the outer enclosure of the palace was stormed. But Oriental scruples prohibited the violation of the sanctity of the zanana, or apartments of the females. The treasure, therefore, was still out of their reach. The means resorted to

for getting it into their hands were more Oriental than European. The two chief ministers of the Begums, eunuchs and aged men, who had in fact the control of the treasure, were seized by the Wazir, and put in confinement. By the severities they were made to endure the elder Begum's compassion was excited, and the amount of the bond given by the Wazir for the balance due to the Company for the year 1779-80 was paid. But the eunuchs were not released. The balance for 1780–81 remained unsettled; and, notwithstanding vehement assertions of the Begums that they had given up the whole of their property excepting personal goods, the ministers were put in irons and deprived of food, until, in their extremity, they gave their bond for the required amount, undertaking to procure it within a given period out of their own means and credit. Still, however, they were held in captivity. The Begums, in payment of the bond of their ministers, had delivered up what they asserted to be the whole of their remaining effects. More than 500,000*l.* had been wrung out of them before the end of February, 1782. There remained a balance of 50,000*l.* to be extorted, according to the Resident's computation; half that amount, according to the ministers themselves. The confinement of the ministers was persevered in; and in the month of June they were removed to Lucknow, where they were submitted, as may be inferred from documents produced, to bodily torture. These cruelties, however, failed of their object; no more money was forthcoming; and on the 2d of December following, the Resident, on his own authority, ordered their release. During the whole of this period the Begums themselves, and their families, were strictly confined to their palaces.

A further incident remains to be noticed, in connexion with Mr. Hastings' interview with the Wazir at Chunar. A present of ten lacs of rupees, 100,000*l.*, was offered him by the Wazir, and accepted. It was given, however, in bills on a native banker; and these it was not possible

to negotiate at the time. Mr. Hastings made no concealment of his acceptance of the gift, and appears to have eventually applied it to the Company's service,—having, it is true, asked and been refused their permission to retain it to himself, as a reward for his services.

Mr. Hastings' Narrative of the Insurrection; and affidavits.

Conscious that, in acting throughout these proceedings on his own sole power and responsibility, he had exposed himself to suspicion and perhaps to censure, Mr. Hastings, before returning to Calcutta, drew up, for the information of the Council, a full narrative of the insurrection of Benares, appending copies of official letters and papers connected with it. And, because the evidence of the implication of the Begums of Oude in the rebellion of Cheyt Sing could not be made apparent by the official documents in his possession, he accepted a proposal from Sir Elijah Impey, the Chief Justice, then at Benares on a visit of inspection of the courts of justice, to proceed to Lucknow, and take affidavits of the natives and English officers who had knowledge of such acts of the Begum as indicated her complicity in the insurrection, so as to place the evidence on record. Accordingly, the Chief Justice, in a hasty visit to Lucknow, about a month after the date of the treaty of Chunar, received the affidavits, as he had proposed; and these Mr. Hastings took care to add to the Appendix of documents in support of the Narrative of the Insurrection.

Prosecution of Nundcomar.

In addition to the transactions of Benares, and the treatment of the Begums of Oude, which form the subjects of the two Articles of charge brought forward in the series of speeches comprised in the present volume, some notice will be required of topics insisted on in the great speech in which Mr. Burke opened the whole prosecution, surveying the general grounds of the Impeachment. Comprehensive as it is, this speech is, after all, but a fragment of what he appears to have designed to make it. What was actually delivered is more introductory to and illustrative than

confirmatory of the Charges; and his object appears to have been to prepare the minds of the Peers, by pictures of the character of Mr. Hastings' government, for the Charges which were to follow. It was pointed out to him by his fellow Managers that the scheme of his address was too vast, and he accordingly brought it abruptly to a conclusion. The principal subjects of the Articles he makes no mention of; but others, not included in the impeachment, he dwells on with much vehemence and minuteness. Such are the circumstances of the prosecution of the Raja Nundcomar in the Criminal Court of Calcutta, and the cruelties stated to have been perpetrated in the provinces of Rungpore and Chittagong by Deby Sing.

The facts connected with the history of Nundcomar are these:—During the reign of Suraj-ud-Dowla, Nawab of Bengal, the author of the atrocious suffocation of our countrymen in the Black Hole of Calcutta, Nundcomar, a Brahman of the first rank, held the office of Faujdar, or native magistrate, of Hoogley. Subsequently, after Mir Jaffier's overthrow, while the deposed Nawab was living in detention in Calcutta, Nundcomar used his opportunity to win his confidence; and, when advanced again by another revolution to his former dignity, this Prince selected him for the post of his chief minister. Very unfavourable opinions were entertained of Nundcomar's character by the Government of Calcutta, and on the death of Mir Jaffier, Nundcomar was set aside, and the place of chief minister to the new Nawab was conferred on Mohammed Reza Khan. From this time Nundcomar remained out of all public employment; but, when Mohammed Reza Khan and Shitab Roy fell under the suspicions of the Company, being known to bear ill-will towards the former, his assistance was courted in the investigation into the conduct of these ministers in their respective offices. As has been stated, they were both acquitted of the charges preferred against them.

When, on the introduction of the new scheme of government at Calcutta in 1774, the suspicion with which

the members of the Council lately sent from England scrutinised the previous measures of Mr. Hastings had settled into a steady opposition, and a readiness was shown at the Council board to receive charges against the Governor General, Nundcomar appeared as his accuser. The manner of bringing forward his allegations was so far peculiar that they were presented at the Board by Mr. Francis, in a paper which he stated he had received privately from Nundcomar himself, with the request to lay them before the Council. In this paper Nundcomar complained of neglect and affronts from Mr. Hastings, and proceeded to set forth accusations against him of having received bribes from Mohammed Reza Khan and Shitab Roy, to induce him to connive at their escape from conviction. He imputed to him other less important crimes; and concluded with charging him with having received from various persons as presents, in transactions of a public nature, a sum amounting to more than 44,000*l.* In a second letter, Nundcomar reiterated charges of corruption against Mr. Hastings, and petitioned to be heard at the Council board in support of his accusations.

A motion by one of the members of the Council for making these statements the ground of an investigation into the Governor General's conduct, and for summoning Nundcomar to give evidence before the Board, was warmly supported by the majority. But Mr. Hastings resisted the inquiry. He refused to suffer charges, personal against himself, to be discussed, offering at the same time to allow the Council to form a committee to inquire into the alleged crimes; but he declared he would not meet Nundcomar, nor suffer him to be examined at the Board. He then dissolved the Council, and, with his supporter, Mr. Barwell, withdrew. The remaining members denied the legality of the dissolution, and continued sitting. Nundcomar was called before them, but added nothing material to the statements contained in his letters. The majority of the Council passed resolutions requiring the

Governor General to pay over sums stated to have been received by him from Munny Begum, and consulted the Company's attorney on the legal course to be pursued for the recovery of the money. A reference to the Directors was recommended, and both parties made their representations to the Court; the hostile majority of the Council stating in their letter that the discoveries now made threw a clear light on the means practised by the Governor General in amassing the large fortune he was said to possess of upwards of forty lacs of rupees, 400,000*l*.

Proceedings being thus for a time suspended, Nundcomar himself was subjected to a legal prosecution on a charge of conspiring, with Joseph Fowke and others, to represent the Governor-General as having caused a false accusation to be preferred by a native against Joseph Fowke, and for a similar conspiracy against Mr. Barwell. The prisoners were all acquitted on the first indictment, but Nundcomar and Fowke were convicted on the second. Quickly following this first prosecution of Nundcomar, was another on a charge of forging and uttering a bond for 48,021 rupees in the year 1770. He was committed for trial on the first examination of the charge, and confined in the public prison. On the 9th of June, 1775, his trial commenced before the Chief Justice, Sir Elijah Impey, and on the 15th he was found guilty, and condemned to death by hanging. Great efforts were made to suspend the execution of the sentence, but it was suffered to be carried out. The prosecution of Nundcomar was ascribed to Mr. Hastings' instigations, by those who judged unfavourably of his previous conduct; and he endeavoured to repel the suspicion by a solemn denial on oath before the Supreme Court that he was in any respect instrumental to it, adding that the evidence of Nundcomar against him was entirely closed before the trial commenced.

But the subject which Mr. Burke dwelt upon with the most Deby Sing. impassioned eloquence was, the cruelties stated to have been

practised by a certain Deby Sing in his government of the district of Dinagepore and Rungpore, under the following circumstances :—The Raja of Dinagepore had died in the summer of 1780, leaving an adopted son, a minor. The succession was contested by another of the family, and decision between the claimants was referred to the Governor General and Council. This was given in favour of the adopted son, and a fine was paid of four lacs of rupees. Deby Sing, who some years before had held the appointment of Deputy Steward to the Provincial Council of Moorshedabad, received the province, in farm, for two years. He was accused of a general system of extortion in his management of the district, and with special acts of cruelty and oppression to the natives of all classes. By the time of the expiration of the term of his tenancy insurrectionary movements showed themselves in the province, and Mr. Paterson was commissioned to report upon its administration and condition. His report charged Deby Sing with all the enormities he had been accused of, and was accompanied by statements, collected from native inhabitants of the district, comprising minute particulars of the acts referred to. Deby Sing was summoned to Calcutta, and examined upon these charges; and the result of his representations was the appointment of a commission of three gentlemen to make further inquiry into the truth of the accusations embodied in Mr. Paterson's report. The conclusions they arrived at were at variance with those of the previous commissioner, and Deby Sing was exonerated from the charges laid against him.*

Although, in the preceding slight sketch, I have confined myself to that series of transactions on which was mainly

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* See a Note by Mr. Wilson to Mill's notice of Burke's opening speech in the trial of Warren Hastings, where he asserts that Mr. Paterson himself had at that time become convinced of the untrustworthiness of the evidence on which he had grounded his report. Mill's History of India, vol. v., p. 110. The reports of Mr. Paterson, with accompanying documents, collected to substantiate the charges against Deby Sing, have, I believe, never been published. They are, however, preserved in MS., and a copy of them will, on the completion of the present publication, be deposited in the British Museum.

grounded the impeachment of Warren Hastings, it will be proper to point out other incidents and circumstances which, if they formed no part of the crimes imputed to him, were certainly in as great a measure the cause of the proceedings against him.

Mr. Hastings' responsibility of office commenced with his occupation of the post of second in the Council of Calcutta, in December, 1771, and his instalment in the office of Governor of the Presidency, early in the following year. During the interval between this elevation to power and the introduction of the new form of government in August, 1774, when the President and Council of Calcutta was made supreme over the other governments, the President himself taking the title of Governor General of Bengal, Mr. Hastings was able to conduct the affairs of his province very much according to his own views, and some of the measures he then carried out were afterwards laid to his charge as acts of corruption and misgovernment. On the formation of the new Council, however, the new members, General Clavering, Colonel Monson and Mr. Francis, were not long in making evident their disapproval of the acts of the late Board. Concurring in a distrust of the Governor General and condemnation of his policy, and uniformly acting and voting together, they became the majority and ruling portion of the Council; and Mr. Hastings' views of finance, and of policy in the relations of the Company with the various native states—his selection of officers for the collection and management of the revenues, and of agents at the courts of the native princes—were uniformly thwarted and reversed. This period extended from the autumn of 1774 to the death of Colonel Monson in September, 1776, when, by his casting vote, Mr. Hastings, having the steady support of one member of the Council, Mr. Barwell, recovered the ascendancy, and was able once more to follow his own views. And it was not only at his own Council Board that Mr. Hastings felt the loss of his influence in the government. At

Opposition of majority of Council.

home, the arbiters in the differences between him and the majority of the Council gave their countenance to his opponents; and, in a letter of the Directors, of the 18th of December, 1775, in which the subject of the contentions in the Council are discussed, their approval of the conduct of the majority, and censure of Mr. Hastings' previous acts of government, are expressed in the strongest terms. In aggravation of the opposition accumulated against him, the first Minister of the Crown, Lord North, lent his influence to stimulate the action of the party opposed to him in the Court of Directors. Colonel Macleane, whom Mr. Hastings had commissioned to watch over and protect his interests and honour, and to acquaint him with proceedings at home, and whom he had charged with a formal power of presenting his resignation of office under certain conditions of circumstances, sent him notice from England of efforts made by Lord North to obtain from the East India Proprietors an address to the Crown for the removal of Mr. Hastings himself and Mr. Barwell, but that the motion was thrown out by a large majority.

Influenced by the general opposition he witnessed of both Directors and Government to Mr. Hastings' cause, Colonel Macleane acted on the power entrusted to him, and presented Mr. Hastings' resignation. Accordingly, on the 18th of June, in 1777, despatches arrived at Calcutta from England, announcing the acceptance by the Directors of Mr. Hastings' resignation, and appointing Mr. Wheler to fill his place. An effort was immediately made by General Clavering and Mr. Francis to act upon these letters, and they declared Mr. Hastings to have vacated his office. But Mr. Hastings was now recovering the power in the Council to which his superiority of office intitled him. As early as May, 1775, he had written to withdraw from Colonel Macleane the powers he had given him; and he now refused to be bound by his exercise of them. Appeal was made to the only power in Calcutta capable of determining the legality of the

question at issue, and the Judges of the Supreme Court decided it in Mr. Hastings' favour. Henceforward the ascendancy in the Council, and consequent supremacy in the government of the country, became more and more secured in his hands. In November of the same year, 1777, the death of General Clavering reduced still further the strength of the opposition, once so overwhelming; and, finally, in 1780, his quarrels with Mr. Francis resulted in a duel, in which the latter was severely wounded, and so much affected in his health as to be obliged, a few months afterwards, to return to England.

Mr. Hastings signalised his recovery of power by the direct reversal of measures which had been adopted by the Council. He applied himself to measures for re-establishing the finances of the country; and, freeing his mind to the consideration of the great events in progress or impending in the subordinate Presidencies, he entered into designs for enlarging and establishing the dominions of the Company in the Carnatic and in Bombay.

Proceedings in Parliament.

But, though liberated from the restraint hitherto imposed on him by his subordinates in office, Mr. Hastings eventually discovered that the contest he had carried on at his own Council Board was to be renewed elsewhere, and under circumstances more threatening to his peace of mind and reputation. Affairs in India had continued to attract increasing attention from the Legislature. The charter of the Company was shortly to expire; and it was universally felt that the time was come for such an adjustment of its future constitution as should put it in a measure under the control of the King's ministers. Meanwhile, successive acts were passed from 1778 to 1781, continuing the Company's privileges from year to year, the subject being not fully ripe for legislation. In all these acts it was provided that no change should take place in the persons forming the Governor General and Council of Calcutta. Other circumstances concurred to bring the affairs of India under the notice of Parliament.

Petitions were received from many quarters against the pretensions of the Supreme Court of Judicature; and on the 12th of February, 1781, a Select Committee was appointed to take into consideration the administration of justice in the Bengal Presidency. Mr. Burke was a member of this Committee. On the 30th of April, 1781, a Secret Committee was appointed to inquire into the origin of the war in the Carnatic, and into the state of the British possessions on the coasts. This Committee was presided over by Mr. Henry Dundas, Lord Advocate of Scotland. By both of these Committees searching inquiries were instituted, and several reports presented to the House, accompanied with copies of numerous and important documents. Moreover, they both considered it within the limits of their instructions to investigate the circumstances connected with Mr. Hastings' resignation, and reported unfavourably respecting that transaction.

The resignation of Lord North occurred in March, 1782, and was followed by the accession of the Marquess of Rockingham, who was himself an early patron of Mr. Hastings. Mr. Burke, who had been private secretary to the Marquess during his first ministry, was now attached to the government by the office of Paymaster of the forces. The suspicions he had long ago conceived of abuses in the government of India had been strengthened by the investigations of the Committee, of which he had procured the appointment, and in the proceedings of which he had taken an active part. His disapproval of Mr. Hastings' conduct had grown into determined hostility, much inflamed it is said, by the representations of his kinsman William Burke,* agent for the Raja of Tanjore, as well as of Mr. Francis, recently returned from India.

Earnest in his object of effecting a thorough reformation of the system of government in India, he threatened resignation unless the new ministers consented to adopt his views;

* Macknight's Life of Burke, vol. ii. p. 423.

and the weight of the government was turned against Mr. Hastings in the proceedings which quickly ensued.*

On the 5th of April, 1782, Mr. Dundas, Lord Advocate of Scotland, moved for a Committee of the whole House to consider the reports of the Secret Committee on Indian affairs, of which he was chairman; and on the 10th of the same month a similar motion was made by the chairman of the Select Committee.

On the 15th and 25th of April, Mr. Dundas read a series of resolutions, one hundred and twelve in number, reflecting on the course of government in the three Presidencies, and especially condemning the schemes of conquest and enlargement of dominions of the Company entered into by Mr. Hastings, and recommending his recall. The portion of these resolutions relating to the government of Bengal were not put to vote; but those impugning the conduct of Sir Thomas Rumbold, President of Madras, were moved and carried on the 29th of April.

On the 30th of May, Mr. Dundas moved a resolution, that it was the duty of the Directors to recall Mr. Hastings and Mr. Hornby, President of the Council of Bombay, on the ground of their having "acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India,"—and carried the motion. The Directors, in obedience to the sense of the House, resolved that Mr. Hastings should be recalled; but, referring their order to a General Court of Proprietors for confirmation, it was by a large majority rescinded.

On the 14th of April, in the following session, in moving for leave to bring in a bill for reforming the government of India, Mr. Dundas again proposed the recall of Mr. Hastings; but no further steps were taken by the House.

On the 25th of the same month, in a debate on the bill to empower the East India Company to borrow money, Mr. Burke made a powerful speech, principally directed

* Gleig's Memoirs of Warren Hastings, vol. ii. p. 474.

against Mr. Hastings, and denouncing him as "the grand delinquent of all India;" and, in answer to a speech of Governor Johnstone, in Mr. Hasting's defence, he pledged himself "that he would bring to justice, as far as in him lay, the greatest delinquent that India ever saw."

Meantime the Marquess of Rockingham had died, and had been succeeded in the ministry by Lord Shelburne, who resigned on the 5th of April, 1783. The coalition ministry of Mr. Fox and Lord North succeeded; and was terminated by the failure in the House of Lords of the famous bill for remodelling the government of the East India Company, introduced and passed through the Commons by Mr. Fox. A new ministry was formed under Mr. Pitt, who, after a dissolution, succeeded in passing an act, in August, 1784, for the better government of the East India Company, the principal feature of which was the institution of a Board of Control, to be chosen by the Crown.

In moving for leave to introduce his bill, on the 18th of November, 1783, Mr. Fox had complained of the conduct of the East India Proprietors in opposing the expressed wish of the House on the subject of Mr. Hastings' recall, and, in the latter part of this speech, had gone through the principal instances of misgovernment and oppression he charged him with, in reference to his treatment of Cheyt Sing and the Begums of Oude, and to the Rohilla and Mahratta wars. In a subsequent debate on the same bill, on the 1st of December, Mr. Burke renewed his charges against Mr. Hastings, and complained that the East India Proprietors had, since the beginning of the session, "again made it a request to their favourite and your culprit to keep his post, and thanked and applauded him."

But the engrossment of parties in the general question of reform of the Company prevented any further special proceedings against individuals serving in India: and an attempt of Mr. Burke, on the 30th of July, 1784, to obtain a vote of the House for the production of papers relative to the treatment of the ministers of the Begums of Oude was

resisted by Mr. Pitt, and high encomiums were passed by Ministers on the government of Mr. Hastings.

In the session following the passing of the new India bill, a disposition was shown to return to the course commenced in the session of 1782; and, on the 20th of June, 1785, Mr. Burke gave notice, "that he would at a future day make a motion respecting the conduct of a gentleman just returned from India." The reference was of course to Mr. Hastings, who had at length voluntarily resigned his office, and had arrived in England a few days previous to the motion.

Motion for impeachment.

The session was at its close; and it is possible that the pressure of other more vital affairs, or party considerations, might have occasioned a postponement or abandonment of the threatened prosecution. But Mr. Hastings himself and his friends were now impatient to bring to a final issue the question between him and his accusers. On the very first day of the session of 1786, Major Scott, the authorised and devoted agent of Mr. Hastings, rose in the House, and reminded Mr. Burke of his notice of motion of the preceding session, calling on him to name a day for redeeming his pledge. The challenge was accepted, and on the 17th of February Mr. Burke opened the subject by causing the vote of censure passed on Mr. Hastings in 1782 to be read, and recommended, should an inquiry satisfy the House of the truth of the charges produced, that they should proceed to an impeachment. As a preliminary to the inquiry he moved, "That copies of all correspondence since the month of January, 1782, between Warren Hastings, Esq., Governor General of Bengal, and the court of Directors, as well before as since the return of the said Governor General, relative to presents and other money particularly received by the said Governor General, be laid before this House."

On several succeeding days Mr. Burke moved for a great variety of other papers bearing on the proposed charges; but, on the 3d of March, was resisted by Mr. Pitt and Mr. Dundas, in a motion for papers relating to the treaty

of peace with the Mahrattas, on the ground of their approval of the treaty, and was defeated by majorities of two to one in two divisions forced upon the House on the question.

On the 4th of April, Mr. Burke charged Mr. Hastings with "sundry high crimes and misdemeanors," and produced the nine first Articles of his charge, delivering at the table the remaining Articles, making in all twenty-two in number, in the course of the few following days.

On the 26th of April, Mr. Hastings petitioned to be heard in answer to the Articles, and prayed to be allowed a copy of them. Both requests were allowed by the House, despite the opposition of Mr. Burke to the latter of the two, on the ground of the Articles being "merely a general collection of accusatory facts," subject to be hereafter materially altered by the Committee to whom they would be referred. And, notwithstanding a further motion by Mr. Burke that the House should resolve itself into a Committee to examine witnesses, similarly rejected by a large majority, Mr. Hastings was heard in his defence at the Bar of the House on the 1st of May and two following days. The Defence was prepared in writing, and read partly by Mr. Hastings himself, and partly by Mr. Markham, a son of the Archbishop of York, and the clerks of the House. It was afterwards ordered to be laid on the table of the House, and to be printed. Mr. Burke suffered little time to be lost in prosecuting the charges. He himself, on the 1st of June, brought forward the first Article, relating to the war against the Rohillas, moving that it contained "grounds sufficient to charge Mr. Hastings with high crimes and misdemeanors." After a debate of two days' duration, and in which Mr. Dundas and Mr. Wilberforce spoke against it, the motion was negatived by 119 to 67, the division taking place at half-past seven in the morning.

On the 13th of June, the second Article, relating to Benares, was opened by Mr. Fox; and, to the consternation of Mr. Hastings' friends, the Prime Minister, Mr. Pitt, contrary

to the expectation of them and the House in general, spoke in support of the charge, though, in respect to much of the transaction, justifying Mr. Hastings' conduct. Notwithstanding that some of the Ministers declined following their chief, the motion was carried by a majority of 119 to 79.

No further proceedings were taken during the remainder of this session. On the first day of the meeting of the House in 1787, Mr. Burke announced his intention of resuming the introduction of the several Articles of charge on the 1st of the following month. Accordingly, on the 1st of February, Mr. Middleton was called before the House in Committee, to give evidence relating to the circumstances contained in the charge relating to Oude; and on the 7th of the same month the charge itself was moved by Mr. Sheridan, in that famous speech of which nothing but a short abstract has been preserved, but which, according to the opinion of the principal members on either side of the House, eclipsed all previous displays of eloquence ever made within their walls. From the excitement it produced it was judged right to adjourn the debate. On the following day it was resumed. The motion was supported by Mr. Pitt, and was carried by 175 to 68.

Mr. Burke's object was now secured. The impeachment of Warren Hastings was assented to by the House of Commons. On the 19th of February, in a debate on the mode of proceeding in the case, Mr. Burke complained of Mr. Hastings being at liberty after the votes already passed affirming his criminality. But the severity proposed was objected to by Mr. Pitt.

The remaining Articles were discussed, and, on the 2d of April, the report of the Committee on the Articles of Charge was brought up.

The next step in the proceedings was the appointment of a Committee to draw up special Articles of impeachment.

On the presentation of the name of Mr. Francis, objection was made to his nomination on the ground of his alleged

personal hostility to the person accused, and he was rejected by a majority of 96 to 44.

On the 9th of May, the Articles which had been brought up from the Committee on the 25th of April were debated on, and, on the 10th, a vote for impeachment was carried without a division. Mr. Burke, accompanied by the members of the House of Commons, proceeded to the bar of the House of Lords, and formally impeached Warren Hastings, Esquire, of High Crimes and Misdemeanors.

On the 11th of May, Mr. Hastings was committed to the custody of the Serjeant-at-arms; and, on the 23d, the Serjeant-at-arms intimated that he had, in obedience to the commands of the House, delivered Mr. Hastings to the Gentleman Usher of the Black Rod.

On the 5th of December, a copy was received from the Lords of the Answer delivered at the bar of their House by Mr. Hastings to the Articles exhibited against him by the Commons. The answer was read, and a reply was drawn up by a Committee, from which again Mr. Francis was excluded by a special vote.

On the 11th, the Committee who had drawn up the reply to Mr. Hastings' answer were appointed Managers of the prosecution. On this occasion, too, a motion was made for the introduction of the name of Mr. Francis, but was rejected by a majority of 120 to 52.* The names of the Committee of Managers were, Right Hon. Edmund Burke, Right Hon. C. J. Fox, R. B. Sheridan, Hon. T. Pelham, afterwards second Earl of Chichester, Right Hon. W. Windham, Sir Gilbert Elliott, Bart., Charles Grey, afterwards Earl Grey, William Adam, Sir John Anstruther, M. A. Taylor, James Viscount Maitland, afterwards Earl of Lauderdale, Dudley Long,

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* When Mr. Burke found he was not to have the assistance of Mr. Francis, he declared, "in the presence of God and of the world, that he looked upon the business of the impeachment as damned, seeing he was deprived of the assistance of the man who, of all persons, was, from local knowledge, the best qualified to assist in the undertaking. He said he would proceed, however, let the event be what it would."—History of the Trial, 8vo., 1796; Pref. p. 13.

General J. Burgoyne, Hon. George A. North, afterwards Earl of Guilford, Hon. Andrew St. John, Colonel Fitzpatrick, Roger Wilbraham, John Courtenay, Sir James Erskine, afterwards St. Clair, Bart., and Right Hon. Fred. Montagu.

The preliminary proceedings concluded by Mr. Hastings being brought to the bar of the House of Lords, and admitted to bail. The commencement of the trial was appointed for the second day of the ensuing session.

The Counsel retained by the Managers were Dr. Scott and Dr. Laurence, with Mr. Mansfield, Mr. Piggott, Mr. Richard Burke (brother of the Manager), and Mr. Douglas. The Counsel retained by Mr. Hastings were Mr. Law, afterwards Lord Ellenborough, Mr. Plumer, afterwards Vice-Chancellor of England and Master of the Rolls, and Mr. Dallas, afterwards Chief Justice of the Common Pleas. The Solicitors for the Prosecution were Messrs. Wallis and Troward. Mr. Shaw acted for Mr. Hastings.

By request from the House of Lords to the King, Westminster Hall was fitted up for the trial; the body of the Hall being occupied with a wooden structure for the purpose. The Court was so arranged as to correspond exactly with the House of Lords. A throne was erected to represent the presence of the King, and was occupied by the Lord Chancellor. Places were allotted to the members of the House of Commons, and on the opposite side were seats for the Peeresses. Boxes were erected, one on either side the throne, for the accommodation of the King, should he desire to attend, with his suite, and for the Prince of Wales and royal family.

The Queen, the Prince of Wales and others of the royal family, were present on the first day of the trial, the 13th of February, 1788.

The Lords went in formal procession from their House to the Hall, attended by the Judges.

The proceedings opened with the usual proclamations. Mr. Hastings appeared with his bail, and knelt before the Court. He was arraigned by the Lord Chancellor, and the

Articles of Charge, the answer and replication, were then read; in which two days were occupied. On the third day, the 15th of February, Mr. Burke opened the Prosecution in a speech which occupied four days in its delivery, and which is the first of the series comprised in the present work.

The trial itself, from the opening of the proceedings to the vote of the Lords of acquittal on the last of the charges, extended over seven sessions of Parliament, from February, 1788, to April, 1795, and occupied one hundred and forty-eight sittings of the Court, together with several days' debates on the verdict on the several Articles of Charge in the House of Lords.

Of the twenty articles of impeachment presented at the bar of the House of Lords only the first, second, fourth, sixth, and portions of the seventh and fourteenth, relating to Benares, the Begums of Oude, to presents or bribes, and to contracts, were proceeded on. In the course of the trial many points of constitutional law and precedent were evolved, occasioning long arguments on either side, and frequent adjournments of the Lords to their own House for their consideration. Of these, and of other incidents of the trial, it appears unadvisable to attempt to give a narrative in this Introduction. A complete history of the proceedings was published at the time by Debrett, and has been regarded as accurate and impartial.* It extends to considerable length, forming an octavo volume of nearly eight hundred pages of double column.

Scheme of publication.

The present publication has been undertaken by the authority of the late Government, at the suggestion of the then Chancellor of the Exchequer, Sir George Cornewall Lewis.

The scheme of the work embraces the speeches of the Managers for the House of Commons, in opening and sup-

* A condensed history of the trial, yet occupying two hundred pages of his work, is given by Mill in his History of British India, book vi., chapter 2. An excellent review of the proceedings will also be found in Adolphus' History of England, vol. vi., p. 138.

porting the several Articles of Charge, and in summing up the evidence; the answers of the Counsel for the Defence; and the replies of the Managers. The evidence, oral and documentary, was printed as the trial proceeded, and fills nine folio volumes. The present work, therefore, completes the material brought forward by both prosecution and defence. The remaining unpublished matter consists of arguments and discussions between the Managers and Counsel relative to forms of proceeding and to admission of evidence.

Reports of the Speeches.

A few words may be added respecting the authenticity of the reports of the speeches, and the copies made use of for the present publication. Every sitting of the Court was attended by a short-hand writer, from the office of Mr. Gurney, commissioned to take exact notes of the proceedings by the Committee of Managers. Several copies of these reports were provided for the solicitors of the Managers. A nearly complete set is preserved in the library of Lincoln's Inn; and I take the opportunity of expressing my gratitude to the Benchers for their liberal loan of such portions of it as could be of service to me in preparing the text of the speeches. This copy was procured from the late Mr. John Adolphus, whose careful analysis of the proceedings of the trial, inserted in his History of England, bears witness to his patient study of its contents. But Mr. Adolphus had become possessed of more than one copy of the reports. He had, in fact, considerable portions of four or five sets, all transcripts from the same draft. From the residue of these a further nearly complete copy was procured, and this has furnished the present texts of all the speeches, saving those of Mr. Burke and Mr. Adam. The report of Mr. Adam's speech was wanting; and, although the speech of Mr. Burke formed part of the series, it was found on examination to be a copy of it in the form as revised by himself, and subsequently printed in the general edition of his works, published by Messrs. Rivington, in 1827. Of one portion only of the second day's speech could a copy of the original report be discovered, either in the set of the proceedings in the Lincoln's Inn library, or in the broken sets from which it had

been formed. It was amongst the latter—and was found to contain numerous alterations in the handwriting of Burke himself. After many fruitless attempts to procure elsewhere an entire copy of the original report of the speech, application was made at the office of the descendants of Mr. Gurney, when it appeared that the actual short-hand notes of the reporters were still preserved. By the courtesy of Mr. Joseph Gurney, an extended transcript was obtained, and this supplies the text here published. A comparison of it with the composition already referred to, as corrected by Mr. Burke for publication, shows the freedom he allowed himself in the alterations introduced. Not only is the language carefully revised, but the speech may be said to be remodelled. Many passages, in some instances containing charges of crimination, are suppressed, and new arguments and illustrations are freely introduced. The revised composition doubtless displays greater condensation of argument and refinement of diction, but is, I think, surpassed in energy of expression by the unaltered report of the words and ideas as they flowed from his imagination in the warmth of their first conception.

But it appears that, at the commencement of the trial, the solicitors for Mr. Hastings also employed a short-hand writer to note the proceedings, for their own use. An imperfect set of these reports, endorsed as belonging to Mr. Shaw, solicitor for Mr. Hastings, was acquired by the British Museum in the year 1848. The fact of the existence of these two independent reports of at least some of the speeches will serve to explain the low estimation expressed in some quarters of the general accuracy of the short-hand writers, in especial reference to their notes of these proceedings.* Nothing can be more marked than the

*In the biography of Lord Ellenborough by Lord Campbell, in his Lives of the Chief Justices of England, this opinion of the inefficiency of short-hand writers of the time is very strongly expressed, and his Lordship gives the following amusing instance of their misapprehension of Burke's language :—

"Burke, having observed that 'virtue does not depend upon *climates* and *degrees*,' he was reported to have said 'virtue does not depend upon *climaxes* and *trees*.'"—Vol. III. p. 124. I find the blunder in Hastings' short-hand writer's report of Burke's second day's speech. The words used are, 'climaxes such as these.'

contrast between the two performances. Mr. Gurney's reports have every appearance of having been taken with scrupulous fidelity. The others are very imperfect, and beset with inaccuracies throughout; and when they have been regarded as the standard of merit of the reporters of the time, they will, of course, have justified the severest reflexions on their incompetency.

Of the several speeches contained in the present volume, copies of reports have been examined in the following different forms. It is to be understood that copies of Gurney's reports are in the hands of the Editor of this publication, and others in the Library of Lincoln's Inn.

I. *Burke's general Opening of the Prosecution*, 12*th*, 15*th*, 16*th*, *and* 18*th of February*, 1788:—1. A recent copy, extended from the original short-hand notes preserved in Mr. Gurney's office, and printed from for the present text.—2. Gurney's report, quoted as 'revised copy,' being altered by Burke to the form as printed in the collection of his works published in 1827.—3. The report of the short-hand writer employed by Mr. Hastings' solicitor, preserved in the British Museum and marked Additional MS. 17,074.—4. A fragment of Gurney's report of the second day's speech, partially corrected by Burke himself.

II. *Fox's Opening of the First Charge, the* 22*nd of February*, 1788:—1. Gurney's contemporaneous report.—2. The report of the short-hand writer employed for Mr. Hastings, now Additional MS. 17,067, in the British Museum.

III. *Grey's Speech in Support of the First Charge, the* 25*th of February*, 1788:—1. Gurney's contemporaneous report.—2. Report of the short-hand writer employed for Mr. Hastings, preserved in the British Museum, as the Additional MS. 17,067.

IV. *Anstruther's Speech in summing up the Evidence on the First Charge, the* 11*th of April*, 1788:—1. Gurney's report.—2. Mr. Hastings' short-hand writer's report, preserved in the British Museum, as the Additional MS. 17,068.

V. *Adam's Opening of the Second Charge, the 15th of April,* 1788:—1. Gurney's report, from the copy in Lincoln's Inn Library.—2. Gurney's report altered, and with additional corrections, apparently by Mr. Adam himself, preserved in the British Museum, as the Additional MS. 17,075. —3. Mr. Hastings' short-hand writer's report in the British Museum, marked Additional MS. 17,068.

VI. *Pelham's Speech in Support of the Second Charge, the 16th of April,* 1788:—1. Gurney's report.—2. Mr. Hastings' short-hand writer's report, preserved in the British Museum, as the Additional MS. 17,068.

VII. *Sheridan's Summing of the Evidence on the Second Charge, the 3rd, 6th, 10th and 13th, of June,* 1788:—Gurney's report.

The texts of all the speeches now published are given from Gurney's reports; and these, although, as has been said, recording apparently with admirable precision the words of the speakers, have frequently been found very deficient in grammatical correctness. It has been a work of difficulty to remedy this defect without altering the words of the report: yet, in many instances, change of punctuation and fresh division of the sentences has succeeded in restoring a grammatical structure to passages apparently most perplexed; and, where this was insufficient, the alteration of a word or the introduction of one wanting for the sense, and marked by brackets, has been ventured on. Where the language of the speaker was evidently broken and interrupted in the delivery, it has been judged proper to suffer the sentence to remain incomplete, as reported.

In the writing of proper names of persons and places, and of Indian terms, modern orthography has been substituted for the unsettled forms of the period of the trial.

In the course of the speeches, frequent reference is made to letters, documents, and other evidence bearing upon the points discussed. Considerable trouble has been taken to verify these quotations by copies found, in most cases, either

in the evidence, printed at the time of the trial, or in the appendices to the numerous reports of the Committees of the House of Commons on Indian affairs appointed in the year 1782; and references to such printed copies are given in the notes.

The preparation of the texts of the remaining speeches is being proceeded with, and the publication will be completed in three more volumes.

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SPEECHES

IN THE

TRIAL OF WARREN HASTINGS, ESQ.

SPEECH OF THE RT. HON. EDMUND BURKE, MANAGER FOR THE HOUSE OF COMMONS, IN OPENING THE IMPEACHMENT; 15 FEBRUARY, 1788.

MY LORDS,—The gentlemen who have it in command to support the impeachment against Mr. Hastings, late Governor General of Bengal, have directed me to open a general view of the grounds upon which the Commons have proceeded in their charge against him; to open a general view of the extent, the magnitude, the nature, the tendency and effect, of the crimes with which they have charged him; and they have also directed me to give such an explanation, as, with their aid, I may be enabled to give, of such circumstances, preceding or concomitant with the crimes with which they charge him, as may tend to explain whatever may be found obscure in the charges as they stand. And they have further commanded me, and enabled me I hope and trust, to give to your Lordships such an explanation of anything in the laws, customs, opinions and manners, of the people concerned, and who are the objects of the crimes with which they charge him, as may tend to remove all doubt and ambiguity from the minds of your Lordships upon these subjects. The several Articles, as they appear before you, will be opened by the other gentlemen with more distinctness, and without doubt with infinitely more particularity, when they come to apply the evidence that they adduce to each charge. This

15 FEB. 1788. is the plan, my Lords, that we mean to pursue on the great charge which is now before your Lordships.

Unanimity of the two Houses of Parliament in the prosecution.

My Lords, I confess that in this business I come before your Lordships with a considerable degree of animation, because I think it is a most auspicious circumstance in a prosecution like this, in which the honour of this kingdom and that of many nations is involved, that from the commencement of our preliminary process to the hour of this solemn trial, not the smallest difference of opinion has arisen between the two houses. My Lords, there were persons who, looking rather upon what was to be found in the journals of Parliament than what was to be expected from the public justice of Parliament, had formed hopes consolatory to them and unfavourable to us. There were persons who entertained hopes that the corruptions of India should have escaped amongst the dissensions of Parliament: but they are disappointed. They will be disappointed in all the rest of their expectations which they had formed upon everything except the merits of the cause. The Commons will not have the melancholy and unsocial glory of having acted a right part in an imperfect work. What the greatest inquest of the nation has begun, its highest tribunal will accomplish. Justice will be done to India. It is true your Lordships will have your full share in this great and glorious work; but we shall always consider that any honour that is divided with your Lordships will be more than doubled to ourselves.

Importance attached by the House of Commons to the present case.

My Lords, I must confess that, amongst all these encouraging prospects, the Commons do not approach your Lordships' bar without some considerable degree of anxiety. I hope and trust that the magnitude of the interests which we have in hand will reconcile some degree of solicitude for the event with the undoubting confidence with which we repose ourselves upon your Lordships' justice. For we are so made, my Lords, that it is not only the greatness of the danger but the value of the stake that excites our concern in every undertaking; and I do assure your Lordships—for I am authorised to say it—that no standard is sufficient to estimate the value which the Commons set upon the fate of the case which they now bring before you. For, my Lords, it cannot be conceived—God forbid that it should be conceived—that the business of this day is the business of this man. The question is, not solely whether the prisoner at the bar be found innocent or be found guilty, but whether millions of mankind shall be miserable or happy. You do not decide

15 Feb. 1788.

the case only; you fix a rule. For your Lordships will undoubtedly see, in the course of this cause, that there is not only a long, connected, systematic, course of misdemeanours, but an equally connected system of maxims and principles invented to justify them, upon which your Lordships must judge. It is according to the judgment that you shall pronounce upon the past transactions of India, connected with those principles, that the whole rule, tenure, tendency and character, of our future government in India is to be finally decided. My Lords, it will take its course and work its whole impression from the business of this hour. My Lords, it is not only the interest of a great empire which is concerned, which is now a most considerable part of the British empire, but, my Lords, the credit and honour of the British nation will themselves be decided by this decision. My Lords, they will stand or fall thereby. We are to decide by the case of this gentleman whether the crimes of individuals are to be turned into public guilt and national ignominy, or whether this nation will convert these offences, which have thrown a transient shade on its glory, into a judgment that will reflect a permanent lustre on the honour, justice and humanity, of this kingdom.

The credit and honour of the empire concerned.

My Lords, there is another consideration which has caused solicitude to the Commons, equal to those other two great interests that are affected—I mean the interest of our empire in India and the interest of the national character—something that if possible comes more home to the hearts and feelings of every Englishman—I mean the nature of our constitution itself, which is deeply involved in the event of this cause. For the consequence and purport of an impeachment for high crimes and misdemeanours before the Peers of this kingdom, upon a charge of the Commons, will very much be decided by your decision. For, my Lords, if this tribunal should be found, as I hope it will always be found, too great for trifling and petty causes; if it should at the same time be found incompetent to one of the greatest which can come before you; if the lesser from their smallness escape you, and the greatest from their magnitude oppress you; it is impossible that the high end of this judicature can be answered.

The constitutional importance of trial by impeachment.

My Lords, I do not know whether it is owing to the polish of our times, less fertile perhaps in great offences than those that have gone before us, or whether it is from a sluggish apathy which has dulled and enervated public justice I am

Rarity of cases of impeachment for abuse of authority.

15 Feb. 1788. not called upon to determine, but, whatever the cause is, it is now sixty-three years since any impeachment, grounded on an abuse of authority and misdemeanour in office, has been brought before this tribunal. The last that I recollect is that of Lord Macclesfield in the year 1725.* So that the oldest process known to the constitution of this country has now upon its revival some appearance of novelty. And at this time, when all Europe is perhaps in a state of great agitation, when antiquity has lost all its effect and reverence on the minds of men, and when novelty still retains the suspicions that always will be attached to novelty, we have been very anxious indeed, in a business like this, so to conduct ourselves that nothing in the revival of this great parliamentary process should afford an excuse for its future disuse. Whatever does not stand with credit cannot stand long; and if the constitution should be deprived—I mean not in form, but virtually—of this resource, we should certainly be deprived of all its other valuable parts; because this is the cement which binds it all together, this is the individuating principle that makes England what England is. This it is by which the magistracy and all other things are directed, and must be tried and controlled. It is by this tribunal that statesmen who abuse their power are tried before statesmen and by statesmen, upon solid principles of state morality. It is here that those who by an abuse of power have polluted the spirit of all laws can never hope for the least protection from any of its forms. It is here that those who have refused to conform themselves to the protection of law can never hope to escape through any of its defects. Your Lordships have great and plenary powers; you do not supersede, you do not annihilate, any subordinate jurisdictions; on the contrary you are auxiliary and supplemental to them all. Here it is that no subject in any part of the empire can be refused justice. Here it is that we provide for that which is the great, substantial, excellence of our constitution—I mean, that great circulation of responsibility, by which, excepting the supreme power, no man in any condition can escape his responsibility to the laws of his country.

Value and importance of trial by impeachment.

Moderation of the Commons in instituting the prosecution.

My Lords, impressed as we were with the weight and consequence of this mode of parliamentary proceeding, resolving to lay hold on this great security, the Commons have con-

* See a "Report from the Lords' Committee appointed to examine Precedents relative to the State of the Impeachment against Warren Hastings, Esquire."—Ordered to be printed 19th April, 1791.

ducted themselves with such care, without losing the spirit and zeal of a public prosecution they have comported themselves in this prosecution with such moderation, with such temper and such decorum, as would not ill become the final judgment—if with them rested the final judgment—of this great cause. 15 FEB. 1788.

My Lords, we say that, with very few interruptions indeed, the affairs of India have constantly engaged the attention of the House of Commons for more than fourteen years. We say that we tried every method of legislative provision before we had recourse to anything that was a mode of punishment. We say, my Lords, that we came forward in the year 1774 and passed an act for putting an end to these disorders. Finding that that act of Parliament did not answer all the ends that were expected from it—finding that that act of Parliament fell short of our expectations—we had in the year 1782 recourse to a body of monitory resolutions. But when we found that our laws, when we found that our admonitions were despised, that enormities were increased in proportion to what was to be effected; when we found that legal authority seemed to skulk and conceal its head like outlawed guilt; when we found that those who were appointed by Parliament to assert the authority [of the laws] of this kingdom were the most forward and most active in opposition to them; then it was time for the justice of the nation to exert itself. To have forborne any longer would not have been patience, but collusion—a participation in guilt, and [making ourselves] almost parties with the criminal. When we found ourselves in that situation, we raised heaven and earth on the occasion; we attempted everything in order to know whether we could find and feel our way, if possible, to avoid a painful duty without betraying a sacred trust. My Lords, we found it impossible.

Having therefore resolved on the mode of appeal and proceeding, it was our next business to find something that was worthy of long deliberation. We have proceeded accordingly. We have proceeded with calm selection; and we have chosen—we trust it will appear to your Lordships—such a crime, such a criminal, such a body of evidence, such a mode of process, as would have recommended this proceeding to posterity, even if it had not been supported by the example of our ancestors.

The process resorted to only as a last course.

First, to speak of the process which we use. Besides that long previous deliberation of fourteen years, when we examined

15 Feb. 1788. every circumstance that could prove favourable to the delinquent whom we resolved to prosecute, there was no precedent to be found in the journals favourable to him that was not applied to; and a number of things utterly unknown to former parliamentary proceedings, which seemed in some degree to favour the party that was to be prosecuted, were resorted to on that occasion. My Lords, in the early stage of the proceedings the criminal desired to be heard. My Lords, he was heard; and he produced before the bar of the House of Commons that indecent and unbecoming paper which lies on our table, deliberately given in by his own hand and signed with his own name.* But, my Lords, the Commons passed by everything in that paper with a magnanimity that became them. They considered that the facts he alluded to must be maintained; and, having used all manner of previous deliberation, having given a large scope, even beyond former proceedings of Parliament, to everything that could be said and everything that could be suggested in his favour, then we proceeded with confidence to your Lordships' bar. So far as to the process; which, though I mentioned it last in the line of order in which I stated things, I thought it best to despatch first.

Nature and magnitude of the crime.

My Lords, in the next place I observe, with respect to the crime which we chose, we chose one which we contemplated in its nature, with all its circumstances, with all its extenuations, and with all its aggravations; and, on that review, we are bold to say that the crimes with which we charge the prisoner at the bar are substantial crimes; that they are no errors or mistakes, such as wise and good men might possibly fall into. They are crimes, my Lords—truly, and properly, and emphatically, crimes. The Commons are too liberal not to allow for the difficulties of a great and arduous public situation. They know too well that domineering necessities will frequently occur in all great affairs. They know that the exigencies of a great occasion, in its precipitate career, do not give time to have recourse to fixed principles, but that they oblige men frequently to decide in a manner that calmer reason would certainly have rejected. We know that, as we are to be served by men, the persons

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* Hastings' answer to Burke's articles of impeachment was read by him before the House of Commons on the 1st and 2nd of May, 1786. He obtained leave to lay his minutes of defence on the table of the house, and they were subsequently ordered to be printed.

who serve us must be tried as men, and that there is a very large allowance indeed due to human infirmity and human error. This, my Lords, we knew and had weighed before we came to your Lordships' bar. But the crimes which we charge in these Articles are not the lapses and defects and errors of common human nature and frailty, such as we know and feel, and can allow for. They are crimes which have their rise in the wicked dispositions of men; they are crimes that have their rise in avarice, rapacity, pride, cruelty, ferocity, malignity of temper, haughtiness, insolence; in short, my Lords, in everything that manifests a heart blackened to the very blackest—a heart dyed deep in blackness—a heart corrupted, vitiated and gangrened, to the very core. If we do not plant the crimes that we charge [him with in] those vices which the breast of man is made to abhor and its laws to protect against, we desire no longer to be heard on this occasion. Let everything be pleaded that can be pleaded on the score of error and infirmity; we give up the whole. We stand on crimes that were crimes of deliberation. We charge him with nothing that he did not commit upon deliberation, that he did not commit against remonstrance. We charge him with nothing that he did not commit against command. We charge him with nothing that he did not commit contrary to the advice, contrary to the admonition and reprimand, of those who were authorised by the laws to reprove and reprimand him. They were crimes, not against forms, but against those eternal laws of justice which you are assembled here to assert; which forms are made to support and not to supersede in any instance whatever. They were, not in formal and technical language, but in real and absolute effect, high crimes and misdemeanours. 15 FEB. 1788.

So far as to the crimes. Now as to the criminal. We have not chosen to bring before you a poor, puny, trembling delinquent, misled perhaps by the example of those who ought to have kept him in awe, and afterwards oppressed by their power, in order to make his punishment the means of screening the greater offences of those that were above him. We have not brought before your Lordships one of those poor, obscure, offenders, in an inferior situation, who, when his insignificance and weakness are weighed against the power of the prosecution, gives even to public justice something of the appearance of oppression. No, my Lords; we have brought before your Lordships the first man in rank, Character of the criminal.

15 FEB. 1788. authority and station. We have brought before you the head, the chief, the captain-general in iniquity—one in whom all the frauds, all the peculations, all the violence, all the tyranny, in India are embodied, disciplined and arrayed. This is the person, my Lords, that we bring before you. Then, if we have brought before you such a person, if you strike at him you will not have need of a great many more examples: you strike at the whole corps if you strike at the head.

Nature of the evidence to be produced.

My Lords, so far as to the crime, and so far as to the criminal. Now, my Lords, I shall say a few words relative to the evidence that we have to bring to support such a charge, and which we think will be equal to the charge itself. And we say that the evidence that we have determined to bring before you is evidence of record, of weighty, official, authentic, record, and signed by the hand of the criminal himself in many instances. We have to bring before you his own letters, authenticated by his own hand. We shall bring before you also numbers of oral living witnesses, competent to speak to the points to which they are brought. This, my Lords, we are ready to bring before you; and I trust that the evidence will be found such as cannot leave the least doubt in your minds of the facts. And when you consider them, when the facts are proved, I believe, from their nature and effects, you can have no doubt of their criminality.

My Lords, when we consider the late enormous power of the prisoner, when we consider his criminal and indefatigable assiduity in the destruction of evidence, when we consider the power that he had over all testimony, I believe your Lordships, and I believe the world, will be astonished that so much, so clear, so solid, and so conclusive, a body of evidence has been obtained against him. My Lords, this I say, that I have no doubt that in nine instances out of ten it would satisfy the narrow precision which is supposed to prevail, and which really does prevail to a degree, in all subordinate and delegated jurisdictions. But your Lordships will maintain, what we assert and claim as the right of the subjects of Great Britain, that you are not bound by any rules whatever, except those of natural, immutable and substantial, justice. God forbid that the Commons should come before your Lordships, and desire that anything should be received as proof which is not in its own nature adapted to prove the matter in question! God forbid that they should do so! for

they would then overturn the very principles of that justice which they resort to your Lordships to obtain in favour of their constituents, and in favour of the people of India; they would be giving an evil example, that would redound to their own injury and bring mischief upon the heads of themselves and all their posterity. God forbid, on the other hand, that your Lordships should ever reject evidence on any pretended nicety!—which I am sure you will not. I have too much confidence in the learning with which you will be advised, and the liberality and the nobleness of the sentiments with which you were born, to suspect, in the smallest degree, that you would, by any abuse of the forms and technical course of proceedings, deny justice to so great a part of the world that claims it at your hand. For your Lordships always had a boundless power—I mean, always within the limits of justice. Your Lordships always had a boundless power and unlimited jurisdiction. You have now a boundless object. It is not from this country or the other, from this district or the other, that relief is applied for, but from whole tribes of suffering nations—various descriptions of men, differing in language, in manners and in rights—men separated by every means from you. However, by the providence of God, they are come here to supplicate justice at your Lordships' bar; and I hope and trust that there will be no rule, formed upon municipal maxims, which will prevent the imperial justice which you owe to the people that call to you from all parts of a great, disjointed, empire.

15 Feb. 1788.

Greatness of the object for exercise of the jurisdiction of the House.

Situated as this kingdom is—an object, thank God! of envy to the rest of the world for its greatness and its power—its conduct, in that very elevated situation to which it has arisen, will undoubtedly be scrutinised. It is well known that great wealth has poured into this country from India; and it is no derogation to us to suppose the possibility of being corrupted by that by which great empires have been corrupted, and by which assemblies almost as respectable and venerable as your Lordships' have been known to be indirectly shaken. My Lords, when I say that forty millions of money have come from India to England, we ought to take great care that corruption does not follow; and we may venture to say that the best way to secure a man's reputation is, not by a proud defiance of public opinion, but by guiding one's actions in such a way as that public opinion may afterwards and not previously be defied. In such a situation, it is necessary that nothing in your Lordships' proceedings should appear to

Necessity of guarding against corruption from the wealth drawn from India.

15 Feb. 1788. have the slightest trace, the faintest odour, of chicane God forbid that, when you try the cause of Asia in the presence of Europe, there should be the least suspicion that the cause of Asia is not as good with you, because the abuse is committed by a British subject!—that it should be supposed that that narrow partiality, so destructive of justice, should guide us, that a British subject in power should have rights which are denied to our humble allies, to our detached dependents, to those who, at such a distance, depend upon the breath of British justice and have deprived themselves of every other resource under heaven!

Public reports of the probability of justice being evaded by niceties of law.

My Lords, I do not say this from any fear, doubt or hesitation, as to what your Lordships will do—none in the world. God forbid I should! But I say it on account of what you all know, what is disseminated abroad among the public—that those who cannot defend themselves upon their merits and their actions may defend themselves behind those fences and intrenchments that are made to secure the liberty of the people; that power and the abusers of power should cover themselves by those things which were made to secure liberty. But God forbid it should be bruited abroad that the laws of England are for the rich and the powerful; but that for the poor, the miserable and defenceless, they afford no resource at all! God forbid it should be said that we in this kingdom know how to confer the most extravagant and inordinate power upon public ministers, but that we are poor, helpless, deficient and impotent, in the means of calling them to account for it! God forbid it should be said that no nation under heaven equals the British in substantial violence and in formal justice! It shall never be said—and I trust that this cause will put an end to all conjectures of that kind, which have been disseminated with so much industry through this kingdom, and through foreign nations too—that, in order to cover our connivance and participation in guilt, and our common share in the plunder of the East, we have invented a set of scholastic distinctions, abhorrent to the general sentiments of mankind, by which we are to deny ourselves the knowledge of all that the rest of the world knows, and what so great a part of the world both knows and feels. God forbid any appearance of that kind! I do not deprecate it from any suspicion of the House; but I deprecate it from knowing that hitherto we have moved within the circle of municipal justice. I am afraid of moving within that circle. It may be suspected that we should endeavour to force

nature into that, and not endeavour to enlarge the circle of justice to the necessities of the empire that we have obtained. This is the only thing which does create any doubt or difficulty in the minds of the people. But if such a thing should happen, in my humble opinion it would be better a thousand times to give the short answer the Dey of Algiers gave to a British ambassador, representing the rest of the British merchants,—"My friend," says he, as related by Dr. Shaw, "do not you know that my subjects are a band of robbers, and that I am their captain?"* Better far it would be—a thousand times more manly—than an hypocritical process which, under a pretended reverence to punctilious ceremonies and observances of law, abandons mankind without help and resource to all the desolating consequences of arbitrary power. No, my Lords, I have not the least suspicion that such a thing will or can prevail in this House, nor prevail in this kingdom. Your Lordships will exercise the great plenary powers with which you are invested in a manner that will do honour to your justice, to the protecting justice of this kingdom, to the great people who are subjected to it. It shall not be squared by any rules, but by their necessities, and by that law of common justice which cements them to us and us to them. No, my Lords, I do not think—though such opinions have been spread abroad, and been spread abroad thus, because many persons have observed at the Old Bailey and many subordinate tribunals that great criminals have sometimes escaped, acquitted and stigmatised—that they who have no hope at all in the justice of their cause can have any hope that, by some subtleties of form, some mode of pleading, by something, in short, different from the merits of the cause, they may prevail. Your Lordships, as well as I, are abundantly apprised of those reports that have been spread abroad with such uncommon industry; but which have only got abroad to be defeated and entirely overturned by the humanity, simplicity, dignity and nobleness, of your Lordships' justice. 15 Feb. 1788.

Having said all that I mean to say and am instructed to say concerning the process that the House of Commons have

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* "For the answer that was once made by the Dey to consul Cole, on his complaining of the injuries which the British vessels had met with from his cruisers, must always be looked upon as fair and ingenuous. 'The Algerines,' says he, 'are a company of rogues, and I am their captain.'"—*Travels or Observations relating to several Parts of Barbary and the Levant.* By Thomas Shaw, D.D. 2nd edition. London, 4to. 1757, p. 257.

15 Feb. 1788. used, concerning the crime that they have chosen for prosecution, concerning the criminal upon whom they attach the crime, and concerning the evidence which they mean to produce, I must observe that they feel this day no want of evidence in the cause to satisfy any measure or any mode of justice that shall be chosen. What I have said I mean rather as a protest relative to any future cause from India that may come before you.

Objects of the present address.

I am now, my Lords, to proceed to open the charge. I hope and trust that your Lordships will be so good as to suppose that the business which falls to my share, which is rather explanation of the circumstances than inforcement of the crime, is not a thing that occurs every day in the ordinary round of municipal affairs; that it has relation to many things, that it touches many points, in many places, which are wholly removed from the ordinary beaten orbit of our English business. In other affairs every allusion immediately meets its point of reference; nothing can be started that does not immediately waken your attention to something of your own laws which you meet with every day in the ordinary transactions of life: but here you are caught as it were into another world; here you are to have the way pioneered before you. Your Lordships will see the absolute necessity there is of having an explanation of every part of it. As it is new, the business must be explained; as it is intricate as well as new, that explanation can be but comparatively short: and therefore, knowing you to be possessed, along with all other judicial virtues, of the first and foundation of them all, judicial patience, I hope and trust that your Lordships will not grudge a few hours to the explanation of that which has cost the Commons fourteen years assiduous application to acquire—that your Lordships will not disdain a few hours to what has cost the people of India upwards of thirty years of their innate, inveterate, hereditary, patience to endure.

Derivation of powers of the East India Company.

My Lords, the powers which Mr. Hastings is charged with having abused are the powers delegated to him by the East India Company. The East India Company itself acts under two sorts of powers, derived from two sources. The first source of its power is under a charter which the Crown was authorised by act of Parliament to grant.* The next is from

* The East India Company was founded, under the title of "The Governor and Company of Merchants of London trading into the East Indies," by royal charter, dated the 31st of December, 1600.

several grants and charters indeed, as well as that great fundamental charter which it derived from the Emperor of the Moguls, the person with whose dominions they are chiefly conversant; particularly the great charter by which they acquired the high stewardship of the kingdoms of Bengal, Behar and Orissa, in 1765. Under those two charters they act. As to the first, it is from that charter that they derive the capacity by which they can be considered as a public body at all, or capable of any public function: it is from thence they acquire the capacity to take any other charter, to acquire any other offices, or to hold any other possessions. This being the root and origin of their power, it makes them responsible to the party from whom that power is derived. As they have emanated from the supreme power of this kingdom, they themselves are responsible—their body as a corporate body, themselves as individuals—and the whole body and train of their servants are responsible, to the high justice of this kingdom. In delegating great power to the India Company, this kingdom has not released its sovereignty. On the contrary, its responsibility is increased by the greatness and sacredness of the power given. For this power they are and must be responsible; and I hope this day your Lordships will show that this nation never did give a power without imposing a proportionable degree of responsibility. 15 Feb. 1788.

As to the other power, which they derived from the Mogul empire by various charters from that crown, and particularly by the charter of 1765, by which they obtained the office of lord high steward, as I said, or diwan, of the kingdoms of Bengal, Behar and Orissa, by that charter they bound themselves, and bound inclusively all their servants, to perform all the duties belonging to that new office. And by the ties belonging to that new relation they were bound to observe the laws, rights, usages and customs, of the natives, and to pursue their benefit in all things; which was the nature, institution and purpose, of the office which they received. If the power of the sovereign from whom they derived these powers should be by any misfortune in human affairs annihilated or suspended, the duty to the people below, which they acquired under his charter, is not suspended, is not annihilated, but remains in all its force; and, for the responsibility, they are thrown back upon that country from whence their original power, and along with it their responsibility, both emanated in one and the same act. For when the Company acquired that Power received from the Mogul Emperor.

15 FEB. 1788. office in India, an English corporation became an integral part of the Mogul empire. When Great Britain assented to that grant virtually, and afterwards took advantage of it, Great Britain made a virtual act of union with that country, by which they bound themselves as securities for their subjects, to preserve the people in all rights, laws and liberties, which their natural original sovereign was bound to inforce, if he had been in a condition to inforce it. So that the two duties flowing from two different sources are now united in one, and come to have justice called for them at the bar of this House, before the supreme royal justice of this kingdom, from whence originally their powers were derived.

It may be a little necessary, when we are stating the powers they have derived from their charter, and which we state Mr. Hastings to have abused, to state, in as short and as comprehensive words as I can (for the matter is large indeed) what the constitution of the Company is, and particularly what its constitution is in reference to its Indian service; where the great theatre of the abuse was situated, and where those abuses were committed.

Constitution of the Company.

Your Lordships will recollect that the East India Company—and therefore I shall spare you a long history of that, hoping and trusting that your Lordships will think it is not to inform you, but to revive circumstances in your memory, that I enter into this detail—the East India Company had its origin about the latter end of the reign of Elizabeth, a period when all sorts of companies, inventions and monopolies, were in fashion. And at that time the Company was sent out with large, extensive, powers for increasing the commerce and the honour of this country: for to increase its commerce without increasing its honour and reputation would have been thought at that time, and will be thought now, a bad bargain for the country. But their powers were under that charter confined merely to commercial affairs. By degrees, as the theatre of the operation was distant, as its intercourse was with many great, some barbarous, and all of them armed nations, where not only the sovereign but the subjects were also armed in all places, it was found necessary to enlarge their powers. The first power they obtained was a power of naval discipline in their ships—a power which has been since dropped. The next was a power of law martial. The next was a power of civil, and to a degree of criminal, jurisdiction within their own factory, within their own settlements, over their own people and their own servants. The next was—

and there was a stretch indeed—the power of peace and war; those great, high, prerogatives of sovereignty which never were known before to be parted with to any subjects. But those high sovereign powers were given to the East India Company. So that when it had acquired them all, which it did about the end of the reign of Charles the Second,* the East India Company did not seem to be merely a company formed for the extension of the British commerce, but in reality a delegation of the whole power and sovereignty of this kingdom sent into the East. In that light the Company began undoubtedly to be considered, and ought to be considered, as a subordinate sovereign power; that is, sovereign with regard to the objects which it touched, subordinate with regard to the power from whence this great trust was derived. 15 Feb. 1783. Their sovereign power.

When the East India Company once appeared in that light, things happened to it totally different from what has happened in all other ordinary affairs, and from what has happened in all the remote mysteries of politicians, or been dreamed of in the world. For, in all other countries, a political body that acts as a commonwealth is first settled, and trade follows as a necessary consequence of the protection obtained by political power. But here the affair was reversed: the constitution of the Company began in commerce and ended in empire; and where powers of peace and war are given, it wants but time and circumstance to make this supersede every other, and the affairs of commerce fall into their proper rank and situation. And accordingly it did happen that, the possession and power of assertion of these great authorities coinciding with the improved state of Europe, with the improved state of arts and the improved state of laws, and (what is much more material) the improved state of military discipline; that coinciding with the general fall of Asia, with the relaxation and dissolution of its governments, with the fall of its warlike spirit, and the total disuse almost of all parts of military discipline; those coinciding, the India Company became what it is, a great empire carrying on subordinately under

* The power of making peace or war with any prince or people "not Christians" was conferred on the Company by Charles the Second, in the first year of his restoration. The date of the charter is 3rd April, 1661. In the year 1698 a second and distinct company was incorporated by Parliament, by the name of "The General Society of Traders to the East Indies." The two companies were united in the year 1702, and were completely incorporated in 1708.

15 FEB. 1788. the public authority a great commerce; it became that thing which was supposed by the Roman law so unsuitable—the same power was a trader, the same power was a Lord.

In this situation, the India Company, however, still preserved traces of its original mercantile character, and the whole exterior order of its service is still carried on upon a mercantile plan and mercantile principles: in fact, it is a state in the disguise of a merchant, a great public office in the disguise of a counting-house. Accordingly the whole order and series, as I observed, is commercial; while the principal, inward, real, part of the Company is entirely political. Accordingly the Company's service—of which the order and discipline is necessary to be explained to your Lordships, that you may see in what manner the abuses have affected it—is commercial.

Order and discipline of the Company's service.

In the first place, all the persons who go abroad in the Company's service enter as clerks in the counting-house, and are called by a name to correspond to it—writers. In that condition they are obliged to serve five years. The next step is that of a factor, in which they are obliged to serve three years. The next step they take is that of a junior merchant, in which they are obliged to serve three years more. Then they become a senior merchant, which is the highest stage of advance in the Company's service, as a rank by which they had pretensions, before the year 1774, to the Council, to the succession of the Presidency, and to whatever other honours the Company has to bestow. Therefore the Company followed this idea in the particulars of their service; having originally established factories in certain places, which factories by degrees grew to the name of Presidencies and Council, in proportion as the power and influence of the Company increased, and as the political began to predominate over the mercantile. And so it continued till the year 1773, when the legislature broke in, for proper reasons urging them to it, upon that order of the service, and appointed to the superior part persons who were not intitled to it—however some might have been by the course and order of service, such as Mr. Hastings was. But, whatever title they had from thence, their [legal] title was derived from* an express act of Parliament, nominating them to that Presidency. In all other respects, the whole course of the service denominated by act of Parliament

* "the title they derived was from," &c.—MS.

does remain upon that footing — that is, a commercial footing. 15 Feb. 1788.

Your Lordships see here a regular system, a regular order, a regular course of gradation, which requires eleven years before persons can arrive at the highest trusts and situations in the Company's service. You will therefore be utterly astonished when you know that, after so long a service and so long a probation was required, things very different have happened, and that in a much shorter time persons have been seen returning* to this kingdom with great and affluent fortunes. It will be necessary for you to consider, and it will be a great part of your inquiry, when we come before you to substantiate evidence against Mr. Hastings, to know how that order came to be broken down completely, so that scarce a trace of it for any good purpose remains. For, though I will not deny that any order in a state may be superseded by the presidency, when any great parts and talents upon superior exigencies are called forth, yet I must say the order of that service was formed upon wise principles. It gave the persons who were put in that course of probation an opportunity, if circumstances enabled them, of acquiring experience; it gave those who watched them a constant inspection upon them in all their progress; it gave them the necessity of acquiring a character in proportion to their standing, that all they had gained by years should not be lost by misconduct. It was a great, substantial, regulation fit to be observed; but scarcely a trace of it remains to be discovered. For Mr. Hastings first broke through that service by making offices which had no reference to gradation, but which were superior in profit to those which the highest gradation might have acquired. He established whole systems of offices, and especially the systems of offices established in 1781, which being new none of the rules of gradation applied to them, and he filled them in such a manner as suited best his own views and purposes; so that in effect the whole of that order, whatever merit was in it, was by him broken down and subverted. The consequence was that persons in the most immature stages of life have been put to conduct affairs which required the greatest maturity of judgment and the greatest possible temper and moderation; and effects consequent have followed upon

Order of the service broken down by Mr. Hastings.

* "you have seen persons returning," &c.—MS.

15 Feb. 1788. it. So far with respect to that order of the Company service.

Peculiarities in the Company's service.

My Lords, I must remark, before I go farther, that there is something peculiar in the service of the East India Company, and different from that of any other nation that has ever transferred its power from one country to another. The East India Company in India is not the British nation. When the Tartars entered into China and into Hindustan—when all the Goths and Vandals entered into Europe—when the Normans came into England—they came as a nation. The Company in India does not exist as a nation. Nobody can go there that does not go in its service. Therefore the English nation in India is nothing but a seminary for the succession of officers. They are a nation of place-men. They are a republic, a commonwealth, without a people. They are a state made up wholly of magistrates. The consequence of which is, that there is no people to control, to watch, to balance against, the power of office. The power of office, so far as the English nation is concerned, is the sole power in the country. There is no corrective upon it whatever. The consequence of which is, that, being a kingdom of magistrates, the *esprit du corps* is strong in it—the spirit of the body by which they consider themselves as having a common interest, and a common interest separated both from the country that sent them out and from the country in which they are, and where there is no control by persons who understand their language, who understand their manners, or can apply their conduct to the laws of the country. Such control does not exist in India. Therefore confederacy is easy, and has been general among them; and therefore your Lordships are not to expect that that should happen in such a body which never happened in the world in any body or corporation, namely, that they should ever be a proper check and control upon themselves: it is not in the nature of things. There is a monopoly with an *esprit du corps* at home, called the India Company, and there is an *esprit du corps* abroad; and both those systems are united into one body, animated with the same spirit, that is, with the corporate spirit, which never was a spirit which corrected itself in any time or circumstance in the world, and which is such a thing as has not happened to the Moors, to the Portuguese, to the Romans—to go to any old or new examples. It has not happened in any one time or circumstance in the world, except in this. And out of that has issued a series of abuses, at the head of which

Mr. Hastings has put himself, against the authority of the East India Company at home and every authority in this country. 15 Feb. 1788.

My Lords, the next circumstance is—and which is curious too—that the emoluments of office do not in any degree correspond with the trust. For, under the name of junior merchant, and senior merchant, and writer, and those other little names of a counting-house, you have great magistrates; you have the administrators of revenues truly royal; you have judges civil, and in a great degree criminal, who pass judgments upon the greatest properties of the country. You have all these under these names; and the emoluments that belong to them are so weak, so inadequate to the dignity of the character, that it is impossible—I may say of that service that it is absolutely impossible—for the subordinate parts of it to exist, to hope to exist, as Englishmen who look at their home as their ultimate resource—to exist in a state of incorruption. In that service the rule that prevails in many other countries is reversed. In other countries, often the greatest situations are attended with but little emoluments; because glory, fame, reputation, the love, the tears of joy, the honest applause of their country, pay those great and weighty labours which in great situations are sometimes required from the commonwealth; but all other countries pay in money what cannot be paid in fame and reputation. But it is the reverse with the India Company. All the subordinate parts of the gradation are officers, who, notwithstanding the weight and importance of the offices and dignities entrusted to them, are miserably provided for; and the heads, the chiefs, have great emoluments, securing them against every mode of temptation. And this is the thing Mr. Hastings has abused. He was at the head of the service. He has corrupted his hands and sullied his government with bribes. He has used oppression and tyranny in the place of legal government; and, instead of endeavouring to find honest, honourable and adequate, rewards for the persons who served the public, he has left them to prey upon it without the smallest degree of control. He has neither supplied nor taken care to supply, with that unbounded licence which he used over the public revenues, an honest scale of emoluments, suited to the vastness of the power given to the Company's service. He has not employed the public revenue for that purpose; but has left them at large to prey upon the country, and find themselves emoluments as they could.

Emoluments of offices not corresponding with their importance.

The system abused by Mr. Hastings.

15 Feb. 1788.

Temptation of officers to plunder.

These are the defects of that service. There is no honest emolument, in much the greater part of it, correspondent to the nature and answerable to the expectations of the people who serve. There is an unbounded licence in almost all other respects; and, as one of the honestest and ablest servants of the Company said to me, it resembled the service of the Mahrattas—little pay, but unbounded licence to plunder. This is the pay of the Company's service; a service opened to all dishonest emolument, shut up to all things that are honest and fair. I do not say that the salaries would not sound well here; but when you consider the nature of the trusts, the dignity of the situation, whatever the name of it is, the powers that are granted, and the hopes that every man has of establishing himself at home, it is a source of infinite grievance, of infinite abuse; and we charge Mr. Hastings, instead of stopping up, instead of endeavouring to regulate, instead of endeavouring to correct, so grievous and enormous an error, with having increased every part of it.

Youth of persons employed.

My Lords, the next circumstance which distinguishes the East India Company is the youth of the persons who are employed in the system of that service. They have almost universally been sent out at that period of life, to begin their progress and career in active life and in the use of power, which in all other places has been employed in the course of a rigid education. They have been sent there in fact—to put it in a few words—with a perilous independence, with too inordinate expectations, and with boundless power. They are schoolboys without tutors; they are minors without guardians. The world is let loose upon them with all its temptations; and they are let loose upon the world, with all the powers that despotism can give. This is the situation of the Company's servants.

Junior servants exercise judicial powers.

There is one thing that is remarkable. They are to exercise what your Lordships are now exercising—high judicial powers—without the smallest study of any law, either general or municipal. It is made a rule in the service, a rule confirmed even by the attempts that were made to regulate it—I mean confirmed by Sir Elijah Impey, when he undertook to be legislator for India—that the judicial character, which is the last in study and the last in professional experience, that to which all professional men ultimately look up, is the first experimental situation of a Company's servant; and it is expressly said that the office and situation of a judge are to be filled by the junior servants of the Company. And, as

the emolument is not equal to that of other situations, the judicial service is to be taken as *in transitu*—as a passage to other things; and, as soon as a man has supplied the defects of his education by the advantage of experience, he is immediately translated to another situation, and another young man is sent there to learn, at the expense of the properties of India, to fill a situation which he is not to fill.* 15 FEB. 1788.

So with regard to the other situations. They are the situations of great statesmen, which undoubtedly, according to the practice of the world, require rather a large converse with men, to fill properly, and much intercourse in life, than the study of books—though that has its eminent service. We know too that, in the habits of civilised life, in cultivated society, there is imbibed by men a good deal of the solid practice of government, of the true maxims of state, and everything that enables a man to serve his country. But these men are sent over to exercise functions at which a statesman here would tremble, without any study, without any of that sort of experience which forms men gradually and insensibly to great affairs. These men are sent over to India without maturity, without experience, without knowledge or habits in cultivated life, to perform such functions as I will venture to say the greatest statesmen are hardly equal to. Situations requiring the training of statesmen.

Mr. Hastings has himself, in his Defence before the House of Commons, and in the Defences he has made before your Lordships, lamented his own situation in this particular. It was much to be lamented indeed. How far it will form a justification for his conduct, when we come to examine that conduct, will be seen; how far it will furnish either extenuation or palliation will likewise be seen. But so is the fact, and so we must lament it, that the servants of the Company are sent out young, are sent out with incompetent emoluments, are sent out to a body that forms them into an *esprit du corps;* sent out in that situation without any control upon them, without that which is the best thing in education, discipline, restraint, order and subordination, which are education, and all the rest of it are but subordinate to this great point. Mr. Hastings' plea of imperfect education and experience.

My Lords, by means of this bad system of things it has so happened, and does happen, that the very laws we have made, the covenants the Company has got its servants to enter into, and the orders that have been given, have proved, Covenants of officers with the Company.

* "which, when he may be qualified to fill, he is no longer to hold."—*Revised copy.*

15 Feb. 1788. as things have turned out, most noxious and mischievous to the country, instead of beneficial. For the servants of the Company are obliged, when they enter into the service, to enter into it, not only with the general duty which attaches upon all servants, but they enter into a specific covenant with their masters to perform all the duties described in that covenant, under heavy penalties. They are bound by them; and at every step of their progress, from writer to factor, from factor to junior merchant, and from junior merchant to senior merchant, they are bound to renew these covenants by something—I speak without offence—which may be said to resemble confirmation in the church. They are obliged to renew their obligation. This covenant would have been wise and proper if it had been enforced. The orders of the Company have forbidden them to take any unlawful emoluments. The act of Parliament has fulminated against them. What is the consequence? The consequence is that, there being clear, positive laws, clear, positive covenants, and positive engagements having no exception of circumstances in them or difference *quoad majus et minus*, but every one who offends against the law being liable to the law, he who has taken but one penny of unlawful emolument—and all have taken many pennies of unlawful emolument—dare not complain of the most abandoned extortion and cruel oppression; and he who has taken a penny to do a good act is obliged to be silent when he sees whole nations desolated about him. The great criminal has the laws in his hand; he is always able to prove the small offence and crush the person entirely who has committed it. In consequence of which, Mr. Hastings has not only obtained a vast power by this grand defect in the Company's service, but by distributing liberally the emoluments of the Company, and by making it impossible for any man to rise but through his favour, he has such a hold of corruption that he has linked it, got it bound above, below, and on all sides about him, by one common participation and connivance. And accordingly he has had no complaint from the service against him. He states it as one of his merits that there has been no such complaint. No such complaint can exist. The *esprit du corps* forbids it, in which an informer is the most odious and detestable of all characters, and is hunted down, and has always been hunted down, as a common enemy of the common profit. He cannot do it; because as nobody is free from small offences, the great offender can always crush the small one. And accordingly, what is singular, if you ex-

Orders against unlawful emoluments.

How used by Mr. Hastings to obtain power over his subordinates.

amine the correspondence of Mr. Hastings, you would imagine, from many expressions very deliberately used by him, that the Company's service was made out of the very filth and dregs of mankind, the most degenerate public body that ever existed in the world; but, if you examine his conduct towards them, you would imagine he had lived in the speculative schemes of visionary perfection. He was fourteen years at the head of that service, and there is not one single instance in which he endeavoured to detect corruption, in which he ever attempted to punish it; but the whole service with that whole mass of enormity slept, as it were, at once under his terror and his protection—his protection if they did not dare to move against him, his terror, [from his power]* to pluck out individuals and make a public example of them whenever he pleased. 15 Feb. 1788.

And therefore the first thing to be observed is, that it is a service of confederacy, a service of connivance, a service of various systems of guilt, of which Mr. Hastings was the head, protector and conniver. Not only as protector and conniver, but we shall prove to your Lordships that, when the Company were driven by shame—not by inclination, but by shame—to order several prosecutions against the delinquents, Mr. Hastings, not satisfied with the general connivance, directly contrary to the duty of his office, and directly contrary to the express and positive law of the court of Directors, which law Parliament had bound upon him as his duty—not satisfied with that connivance, before he went away passed a general pardon, which he was not authorised to give, and at once ordered the whole body of the prosecutions of the Company to be discharged. Then, having had fourteen years' connivance, and then a general release of all charges and actions of the Company being given by usurpation, fraud and madness, in him, he now puts himself at the head, and expects the support of that body which he fully discharged from all prosecutions. You will find in the course of this business that, whenever, by means that have been fortunately used but unfortunately stopped, these charges have been brought against him of any bribery, corruption or malversation, his point has been never to answer one word to that bribery, corruption, malversation, but to inquire of the whole service whether there was any one man in it that would give him an ill word. He is just

Confederacy in corruption.

General pardon passed by Mr. Hastings.

Mr. Hastings derives support from protection of corruption.

* Revised copy.

15 Feb. 1788. in that situation in which he may well call witnesses to his character; but he will find himself utterly incapable of justifying his conduct. So far with regard to that part of the service.

My Lords, there is another part of the service which I really omitted, but whether I should put it first or last I must confess I am at some loss to decide; because, though it appears to be the lowest part of the service, it is by far the most considerable and the most efficient; without a full consideration and explanation of which, no part hardly of the conduct of Mr. Hastings, and of many others that may be in his situation, can be well understood. I have given you an account of writers, factors, merchants, who exercise the offices of judges, chancellors, ministers of state, and chancellors of the exchequer, and managers of great revenues. I have given you some description of them. But there, is another description of men, whether in the Company's service or not, that is of more importance than them all; that is, a description of character you have often read of, but which has not been sufficiently explained—I mean the character of a banya. When the Company's service was nothing but mercantile, and they were utterly unacquainted with the country, they used the intervention of certain factors among the natives, who were called banyas. We called them so. They were of the tribe or caste of the vaisyas* or merchants, the Indians being distributed into tribes; and the English employed them as their factors in their dealing in the country; and the name still continues when the functions of the banyas have become totally different. A banya has other names too. He is called diwan or steward: and indeed that is a term with more propriety applied to him in several of the functions which he occupies. He is by his office the steward of the household of every European gentleman, and has the care, management and ordering, of his servants. He is a domestic servant. He is generally chosen out of that class of natives who, by being habituated to misery and subjection, can submit to any orders, and are fit for any of the basest services. Having been themselves subject to oppression, they are fitted perfectly—for that is the true education—to oppress others. They serve an apprenticeship of servitude to qualify them for the trade of tyranny. They are persons without whom an European can do nothing. They know,

Character of the banyas, or native stewards.

* The third primitive caste of the Hindus, exercising trade and agriculture.

15 Feb. 1788.

they themselves being trained in that way, all the ways, all the little frauds, all the defensive armour, all the artifices and contrivances, by which abject slavery secures itself against the violence of power. They know all the lurking-holes, all the winding recesses, of the unfortunate; and they hunt out distress and misery even to their last retreats. They know the way they have suffered themselves and far from being taught by these sufferings to abstain, they have only learned the way of afflicting others. Without them, Europeans, with all their pompous names with all their consideration, are nothing. The moment a Company's servant comes there—and they have the best intelligence of what is done at home—that class of people immediately make application to the gentleman who comes to India. They take possession of him, as if he were their inheritance. They have knowledge of the country; they have money; and they have the arts of making money. The gentleman who comes from home has none of them: he has nothing but simplicity; he has nothing but a desire of wealth, great indigence, and a disposition to relieve himself. These banyas have all: they have money, and a knowledge of the country; and they know the means of acquiring wealth. Accordingly they take possession of him; and it is much to be lamented that they do continue a tyranny not only over the people but over the master, who does nothing but give them the ticket of his name. So that the man is connected and supported by an European who is well supported at home, and from that moment forward it is not the Englishman, but it is the black banya, that is the master. He keeps the Englishman alive.

Their services indispensable to Europeans.

Evil exercise of their influence.

We know how young men are sent out of this country. We know how happy we are soon to know they are no longer a burden to their friends and parents, but are in a situation of thriving. The banya knows it too. He supplies him with money. But the chief way in which he is paid is the use of his master's name and power; and thus he goes into the country with a commission in his hand which nothing can resist. This banya thus empowered has not only the people under his subjection, but his master also. The way he has him under his subjection is this—he has that dreadful power over him which every creditor has over his debtor. The master is no longer a master; he is the tool in the hands of this man. Actions the most abhorrent to his nature he must see done before his face—and thousands and thousands worse are done in his absence—and he dare not complain of them. The

Their power over their European master.

15 Feb. 1788. banya extorts, robs, murders, and gives him what proportion of [the spoil] he pleases. If he should murmur at him, the very power that was sent over to protect the people of England, the very laws of England—the very best things being perverted when put into situations not fit for them—the very laws of England, which make the recovery of debts more easy, give ten thousand times more power to the banya over his master; and the court [of justice] becomes a collateral security for that abominable tyranny, executed over Europeans as well as natives. So that, while we are here boasting of British power, we are, in more than half the service, nothing but the inferior tools and miserable instruments of the tyranny which the lower part of the natives exercise, to the disgrace of the British power and to the ruin of all that is respectable among their own countrymen. They have subverted the first houses; totally ruined and undone the country; cheated and defrauded the revenue; and kept people in India under a miserable state of beggary; until something or other has relieved them from this servitude. Which is the true reason that the Company's servants in India, in order to free themselves from this horrid and atrocious servitude, are obliged to become the tools of men in power to get some office that may enable them to make money to pay their debts, or to be the tools of Mr. Hastings.

Their caste. It is true that these people were originally the lowest castes in the country; but, after seeing the profit which these men make, and that there is neither power, profession nor occupation, to be had that a reputable person could have, men born to better things, men of higher castes, have thrown themselves into that disgraceful servitude, have become menial servants to Englishmen, that they might rise by their degradation. But they have prostituted their integrity; they have equally lost their character; and there is no difference between the best and the worst.

Confirmation of the system by Mr. Hastings. My Lords, this system Mr. Hastings has confirmed, established, increased, and made the instrument of the greatest tyranny that ever was exercised, of the basest peculations, and the most scandalous and iniquitous extortions upon the country. You must distinguish this situation which I have described of the banyas, of the servants in subordinate situations, from that of the banyas who are such to persons in higher authority. In that case the banya is in subordination, because he can be ruined by his superior; whereas he can always ruin his nominal superior in the other case.

Mr. Hastings has brought forward his banya; seated him in the houses of the principal nobility; invested him with revenues, and given him enormous jobs. He has put him over the heads of the nobility, who really, for their grandeur, antiquity and dignity, might almost be matched with your Lordships. He has put him over their heads; made him the supreme judge even of that very caste in which they exist; and he has under him, and by him, and by banyas of various kinds, confirmed that power in such a way as will require, not only great justice upon him, but great and wise provisions to prevent the growth of that evil in future. 15 Feb. 1788. His promotion of his banya.

Such is that first or last—I do not know which to call it—order in the Company's service, called a banya. Your Lordships will see hereafter the necessity of describing, in the opening of this case, the situation of a banya. You will see that no Englishman, properly speaking, acts by himself; that he must be made responsible for that person called his banya, for the power he either uses under him or the power he has acquired over him; that these are the people through whom all bribery, peculation, extortion, is practised with impunity; because they escape, in the night of their complexion and situation, the inquiry that a white man dare not stand in this country. Through the banyas he receives his bribes; through them he decides falsely against the titles of the people of the country; through them Mr. Hastings has exercised oppressions which, I will venture to say, in his own name, in his own character, daring as he is—and he is the most daring criminal that ever existed—he dare never have entered into. Therefore we shall show you that, both for the sake of robbing with more force, with the stronger hand, and at the same time for concealing that robbery, most of his iniquities have been done through these banyas; and that he is not satisfied with one of them, but has had one, two, three, others; not confiding his secrets to Europeans, and hardly any two of them knowing the secrets of each other. This is the system of banyaism and of concealment which Mr. Hastings, instead of eradicating out of the service, has propagated by example, by support and by abuses, in the most monstrous way in which power can be abused. Tyrannies exercised by Mr. Hastings through banyas.

My Lords, having mentioned these circumstances of the constitution of the Company's service from beginning to end, I now shall mention to your Lordships one mercantile constitution of the Company, so great, so excellent, so perfect, that I will venture to say that human wisdom has never Excellence of mercantile constitution of the Company.

15 Feb. 1788. exceeded it, and that it was part of the guardianship, not only of the East India Company, but of all the powers of this country. It does so happen that there the counting-house gave lessons to the state; and it will always happen that, if you can apply the regulations which private wisdom makes for private interest to the concerns of the state, you will then find that active, awakened and enlightened, principle of self-interest has contrived a better system of things for the guard of that interest than the droning wisdom of people looking for good out of themselves—I mean for the greater part of mankind—ever contrived for the public. And therefore I repeat it, that the regulations made by mercantile men for their mercantile interest, when they have been able, as in this case, to be applied to the discipline and order of the state, have produced a discipline and order which no state should be ashamed to copy, and without which such a state cannot exist. It is perhaps the best contrivance that ever has been thought of by the wit of man for the government of a remote, large, disjointed, empire. For merchants, having factors abroad in distant parts of the world, have obliged them to carry out a minuteness and strictness of correspondence which no state has ever used with regard to its public ministers. And accordingly the Company has made it a fundamental part of their constitution that their whole government shall be a written government. You will observe in the course of the proceeding the propriety of my now opening this to you. The government of the India Company is a government of writing and a government of record. The strictest court of justice in its proceedings is not more a court of record than the India Company in all its proceedings.

Their government one of writing and record.

Their servants obliged to keep diaries and letter-books.

In the first place, they oblige their servants to keep a diary of all their transactions; they are bound to it by their covenant. Then they oblige them, as a corrective upon that diary, to keep a little book in which all their letters are entered; and they are bound to produce those books upon requisition. Although they should be mixed with affairs concerning their own private negotiations and transactions of commerce, or their closest and dearest concerns in private life, these books are to be produced. But, as the great corrective of all, they have ordered that every proceeding in public council shall be written. No verbal debates: all shall be writing, and all shall be record. All other bodies—the Houses of Lords and Commons, the Privy Council—having

Debates and proceedings in council entered in writing.

secret state deliberations, enter only resolves, discussions, and final resolutions of affairs: the argument, the discussion, the dissent, does not appear. But the East India Company has proceeded much farther and done much more wisely; because they proceeded upon mercanti e principles; and they have ordered that all shall be written—the proposition, the argument, the dissent, the whole course of argument; and, not only in their great council, but in every provincial council and provincial derivation, even down to the minutest ramification of their services. So that these books, up from the lowest to the highest Presidency, are ordered to be transmitted, duplicate and triplicate as they are, by every ship that comes to Europe. Therefore an able servant of the Company, and high in their service, has mentioned to the Directors how sacred this rule ought to be held. He says:— 15 FEB. 1788.

"It should be remembered that the basis upon which you rose to power and have been able to stand the shock of repeated convulsions has been the accuracy and simplicity of the mercantile method, which makes every transaction in your service, and every expenditure, a matter of record." *

Advantages of the system.

My Lords, this method not only produced to them a more accurate idea of the nature of their affairs and the nature of their expenditure, but it gave them no mean method of knowing the characters of their servants, their capacities, their ways of thinking, the turn and bias of their minds; so that that happened (if this were well used) to the East India Company which never happened to the chief of a remote government before, that in the most remote part of the world, and with reference to the minutest parts of their service, it was in the power of a man sitting in London to form an accurate judgment of everything that happened upon the Ganges. And the use of this was not only in discovering what the nature, character and capacity, of their servants was, but it found a means of detecting their wickedness, and of proving it too, and of giving evidence and testimony of it under their own hands. For your Lordships will observe that in all evil practices no uniform method of proceeding will serve. Innocence is plain, direct and simple; guilt is a crooked thing. The job of iniquity to-day may be covered by specious reasons; but, when the job of iniquity to-morrow comes, the reasons that support the job of to-day expose the iniquity of to-morrow. The man falls into contradiction,

* The writer quoted is probably J. Z. Holwell.

15 Feb. 1788. prevarication, confusion; and this hastens his detection. This is the method by which these things can come to be discovered. They see that the same false, specious, reasons will not serve for different kinds and degrees of guilt; and the resource of one moment becomes the destruction of the vice of another. Besides, they have not time to corrupt the records. They are drawn out of their hands; they are in Europe; they are the records of the Company; perhaps before Parliament--before they have time to invent an excuse for a directly contrary conduct. This is a great, a material part of the constitution of the Company; and, as I said to your Lordships—and I am not ashamed, or think it to be much apologised for, in repeating it—this is the fundamental part of the Company's service, and which, if first preserved as it ought to be, and then used as it ought to be, would afford such a mode of governing a foreign empire as, I will venture to say, few countries possess in governing the most limited and narrow jurisdiction.

The system subverted by Mr. Hastings.

This was that great fundamental institution of the Company's service. Mr. Hastings subverted it and destroyed it. He first destroyed it by sending agents whom he ordered to deliver their correspondence to him, in order to be suppressed and destroyed—public agents, paid by the Company and its servants. He has called upon them for their correspondence with the Company's correspondents; he has taken it into his own hands and he has destroyed it—correspondence upon the most momentous affairs. He has destroyed it by making a fatal, mischievous, distinction between public and private correspondence; whereas the Company made none. He has said:—"There are thousands of occasions in which it is not proper to divulge your private correspondence, but there is no occasion in which it is not necessary to communicate your correspondence to those who are above you." These are the distinctions he has thought proper to make.

Employment by Mr. Hastings of secret agents to conduct public business.

The next way—without entering into all the ways in which he has attempted to evade this regulation—is, by appointing spies and under-agents, who shall carry on the real state business, while there are public and ostensible agents who are not in the secret. And the correspondence of those private agents he has stopped and secreted; and there remains nothing but the shell and husk of a dry official correspondence, which neither means anything nor was intended to mean anything.

His delegation of his

This is the way in which he has defeated this excellent

institution. But he has taken a mode of doing it by delegating out of his own hands the whole powers of the Company, which he was bound to execute, into hands where they were not bound to record their deliberation, where they were not bound to record their assent or dissent unless they chose it, and where, as in a gulf, a most important part, as we shall prove, of the Company's transactions has been buried. And yet some precious fragments are left, which we ought infinitely to value, and which the nation will have reason to value, while they lament the loss of what is gone. But, if it were not for those inestimable fragments and wrecks of the recorded government of the country which have been saved from the destruction Mr. Hastings intended for them all, all the most shameful enormities that have ever disgraced a government or can ever vex a people would only be known in this country by secret whispers and unauthenticated anecdotes; and the most shameful actions which disgrace government and which disgrace mankind, instead of being brought before a public tribunal, might have been honoured with the highest distinctions and rewards which this country has to give; and sordid bribery, base peculation, wretched extortion and cruel tyranny, might have been invested with those sacred robes of justice before which they have now cause to tremble.

15 Feb. 1788.

power to persons not bound to record their proceedings.

Discovery of his corrupt practices through remains of recorded government.

Mr. Hastings, therefore, endeavouring to discredit and ruin what remains of this correspondence, refuses, in his Defence to the House of Commons, in letters to the court of Directors, and in various acts and muniments, to be tried by his own recorded declarations—by his own opinions delivered under his own hand. He knows that what remains of the written constitution, which he has not destroyed, is enough to destroy him. Therefore he resolves to invalidate it; he refuses to be tried by it; rejects it totally. He desires to claim a privilege of prevarication, a privilege of contradiction; not only to change his conduct, but the principles of his conduct, whenever it suits his occasion. He knows that he and that record cannot exist together. But I hope your Lordships will show the destroyers of the constitution, and the destroyers of those records which are to discover iniquity, that whoever destroys the discoverer establishes the iniquity; and that therefore your Lordships will bind him to his own declarations given under his own hand, and that you will say to him, what was said to another person upon a less occasion by greater authority—"Out of thy own mouth will I judge thee."

Refusal of Mr. Hastings to be tried by his own recorded declarations.

15 Feb. 1788. Your Lordships shall have his own words from his own mouth to judge him for this conduct.

Having gone through what I thought, and what I was instructed, might be necessary to state to your Lordships concerning the Company's constitution—I mean, the real inside, and not the husk and shell of its constitution—having stated the abuses that existed in it, having stated how Mr. Hastings endeavoured to perpetuate and increase and make use of these abuses, and how he has destroyed everything that was excellent—and many things were truly excellent in that constitution—having stated this, if I have strength, if your Lordships are desirous of it, if I have not wasted your time in explanation of matters that I have already acquainted you with, I shall next beg leave to state to you the abuse which he has made of the other part of the public authority, which the Company acquired over the natives, in virtue of the royal charter of the present Mogul Emperor, in the year 1766 [1765].

My Lords, it is necessary for you, that you may the better judge of the abuse Mr. Hastings has made of the powers vested in him, to know who the people are over whom he has abused those powers. This is a little out of the way, but it will be necessary for me to explain it, and I shall explain it with as much brevity as is consistent with the distinctness with which I mean to bring the whole before your Lordships. And I beg to observe to you that, with respect to this previous matter, which is rather explanatory than accusatorial—if I may use the expression—rather to explain the nature of the matter to come before you in regular charges, than as proof of the charges themselves—I shall hold myself bound to support by evidence this matter, as I know there is not a word of it which is not supported.

Explanatory matter will be supported by evidence.

I know it is allowed to advocates, when opening a cause in a private court, to indulge themselves in a display of matter leading to the charges they intend to bring. There is a great deal of latitude allowed to them to make such a statement as they please, and they are not always called to the strictest account for the matter; because the court, when they come to judge, sift from it such matter as is proved and is relative to the cause. But I wish your Lordships to know that, with the high opinion I have of your gravity—and it is impossible for a man to conceive a higher—and sensible of the weight of those I represent at this place, namely, the Commons of Great Britain, I should be sorry that any one

substantial fact or colour of things was alleged by me in this place which, when called upon, I should not be ready to make good to you by proof adapted to its nature, exactly in the same way as with regard to the other matter which becomes more substantial matter in the cause. I mean to prove matter to which record is applicable by record; that to which public opinion is applicable by public opinion; that to which oral testimony is applicable by oral testimony; and, last of all, that which is matter of historic proof by historic evidence. I shall hold myself bound to account for this preliminary explanation upon the same grounds as I shall account for the charge itself—allowing for human infirmities or some slight errors or mistakes that may happen in any case. Substantial parts I think myself bound to state [prove?]. 15 Feb. 1788

Then, my Lords, there are two distinct people in India, totally distinct from each other in characters, lives and manners, for both of whom Mr. Hastings was bound to provide equally, agreeably to the terms of the charter the Company received from the lawful governing power of the country; which it had received at its own solicitation; which was not forced upon it by a superior power, but given at the immediate solicitation of the principal servant belonging to the Company; accepted by the Company, and by it, I am very sorry to say, little regarded, or at least by its principal servants. Races of India.

The first set of people who are subjected virtually to the British empire, through those mediums which I have described to you, are the original inhabitants of Hindustan, who have inhabited in all time and beyond all the eras which we use—I mean always the grand era excepted—have lived and been proprietors and inhabitants of that country, with manners, religion, customs and usages, appropriate to themselves and no ways resembling those of the rest of mankind. Those persons are commonly called Gentus. The system and principle of their government is local; their laws, their manners, their religion, are local. Their legislator, whoever he was—for that is lost in the mists of a very obscure antiquity—had it as the great leading principle of his policy to connect the people with their soil; and accordingly, by one of those anomalies which time daily discovers, and which perhaps reflection would explain in the nature of man, these people, who are the softest in their manners, approaching almost to feminine, who are the most benevolent and of a larger circle of benevolence than our morals take in, who The Gentus

15 FEB. 1788. extend their benevolence to the whole animal creation—these people are the most unalliable to any other part of the creation. They cannot, the highest orders of them, touch that bond which is the bond of life, and which by supporting the individual unites them, in other cases—I mean conviviality. That bond of life cannot be had with these people. And there are some circumstances relative to them that exclude them still more than I have mentioned from all immediate commerce with this nation, namely, that that very element which, while appearing to disconnect, unites mankind—I mean the sea—is to them a forbidden element. None of their high castes can without great danger to his situation—perhaps it is absolutely impossible to some of them—ever pass the sea. If it could be truly said that a great gulf is fixed between you and them, it is that gulf created by manners, opinions and laws, radicated in the very nature of the people, and which you can never efface from them. This forbids for ever all immediate communication between that country and this. And that, my Lords, makes it ten times more necessary for us to keep a strict eye upon all persons who go there, and so to conduct ourselves in our proceedings with regard to the knowledge of that country and all its affairs as may be conformable to their necessities and not to our inventions; that we, if we must govern such a country, must govern them upon their own principles and maxims and not upon ours; that we must not think to force them to our narrow ideas, but extend ours to take in theirs; because to say that that people shall change their maxims, lives and opinions, is what cannot be. We know that empire of opinion is, I had almost said, human nature itself. It is, however, the strongest part of human nature; and more of the happiness and unhappiness of mankind resides in opinion than in all other external circumstances whatever. And, if it resides in us in opinion, much more does it reside in them in opinion. For sometimes our laws of religion differ from our laws of the land, sometimes our laws of the land differ from our laws of honour; but in that country the laws of religion, the laws of the land and the laws of honour, are all united and consolidated in one, and bind a man eternally to the rules of what is called his caste.

Their repugnance to the sea.

Necessity of governing them on their own principles.

Of caste.

I think it necessary to state to your Lordships what a caste is. These people, from the oldest time, have been distributed into various orders, all hereditary, which are called castes. These castes are the fundamental part of the constitution

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of that commonwealth, both in their church and in their state.

Your Lordships are born to hereditary honours in the chief of your houses; the rest mix with the people. But in the case of the Hindus those who were born noble can never fall into any second rank. They are divided into four orders—the brahmans, the chhetri, the vaisyas and the sudras. They are divided into four commonwealths. The higher cannot pass into the lower; the lower cannot rise into the higher. They have all their appropriate rank, place and situation, and their appropriate religion too, which, though they all go under one definition of religion, yet is different in its rites and ceremonies in each of those castes; and, if a man who is in that caste which at once unites what we should call the dignity of the peerage in this country and the sanctity of episcopacy—the brahmans—falls out of it, he does not fall into the next order, the chhetri, the vaisyas, or the sudras, but he falls out of all ranks of society—is excluded—an outcast—the most infamous of all mankind.

Circumstances affecting caste.

These people, bound by all laws, human and divine, to those principles of caste which inveterate usage has grafted in them, in a manner in which no known prejudice in the world has been known to exist—these people are affected in their caste, not only by the crimes, the voluntary crimes, by which they may lose it, but likewise by certain involuntary sufferings and involuntary disgraces, utterly out of their own power, which affect them in that caste which is their everything. For speak to an Indian of his caste, and you speak to him of his all; when they lose that caste they lose everything. The loss, as I said, is not only by voluntary crimes, but by the acts of other people. So that these miserable castes give one pledge more to fortune than any other nation was ever known to do. They are bound by new ties. Tyranny oppresses upon them.* And, accordingly, those who have stood imprisonment, those who have stood whips, those who have stood tortures, those who have stood the menaces of death itself, without any impression, have instantly given way when it has been attempted to bring upon them any of those pollutions by which they lose caste.

* "Tyranny is, therefore, armed against them with a greater variety of weapons than are found in its ordinary stores."—*Revised copy.*

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This shows us in what manner we ought to handle people so delicate in these respects. Now we shall show you that Mr. Hastings made the full use, through several of his wicked and abominable instruments in that country, chosen from the natives themselves, of not only all the wicked means of oppressing and abusing them, but striking at that which goes beyond life, which seems to affect them in other worlds. This power has been used to the destruction of that people. I shall prove that he has put his own menial domestic servant —a wretch dependent—a wretch ignorant—a wretch vicious and corrupt—the instrument of his briberies—into that seat of ecclesiastical jurisdiction which was to decide upon the castes of all those people, which contained their rank, their family and honour, their happiness here and their salvation hereafter. He put his own servant to judge over them, and to get a new hold by which he brought the people under his tyranny; and nobody dare complain of him. Accordingly he says—"Who complains of me? Who dare complain of me!"—"No! your menial servant has my caste in his power." I shall not trouble your Lordships with mentioning others. It was enough that Cantoo Baboo, and other names to which your Lordships are to be familiarised hereafter, had the caste and character of the people in their hands; and by this means Mr. Hastings has taken care effectually that these people shall never complain.

A menial servant appointed by Mr. Hastings to decide upon castes.

Hindu laws and institutions.

My Lords, I am to mention to you circumstances relative to these people. They were the original people of Hindustan. They are still infinitely the most numerous; I take for granted, twenty to one. The Mussulmans are nothing like them. They are the old inhabitants of the country, and still more numerous. Whatever faults they may have, God forbid we should go to pass judgment upon people who formed their laws and institutions prior to our insect origin of yesterday! They have two great principles which ought to be respected—that is to say, great force and stability, and great, glorious and excellent, effects. Their stability has been proved by their holding on for a time and duration commensurate with all the empires which history has made us acquainted with; and still they exist in a green old age, with all the reverence of antiquity and with all the affection to their own institutions that other people have to novelty and change. Accordingly they have stood firm in their own country and cast their roots deep in their native soil, because they cast them nowhere else than in their native soil, and

Their stability.

fixed their opinions in their native soil, and bound them together. Their religion has made no converts, their dominion no conquests; and, in proportion as they were concentred within and hindered from spreading abroad, they have grown to double force, and have existed against bigotry, against persecution, against all the fury of foreign conquest, and almost against the fury and avarice of the English dominion established among them. 15 FEB. 1788.

I have spoken now, my Lords, of what their principles were, and what their laws and religious institutions were, in point of force and stability. I have given an instance of their force, by the way, in a thing in which all the institutions of mankind in other respects show their weakness; for they have shown their force in the revolutions of the state. When the country has been totally subdued, the institutions have existed; which is a strong proof that there must be some strong, powerful, influence resulting from them beyond all our paltry means of judging of men. But the stability of them is the true test of inquiry. That form of religious institution connected with government and policy that makes a people happy and a government flourishing—putting farther considerations out of the way, which are not now our business—is undoubtedly the test of any government; and I must appeal to the whole force of observation that, wherever the Hindu religion has been established, that country has been flourishing. We have seen some remaining to this very day. This very country I am going to mention to you is an instance of what an entire change of government and institution—what the rapacity of a foreign hand, rather than the paternal, lenient, protecting, arm of a native government—does for the people; and I shall quote it from a book which shows that the very destruction of all this government is the great object of the author,* and to invade with the hand of rapacity what has escaped all former ravages. Hindu religion.

The author divides the country into different provinces. He supposes what they pay to the supreme government; he supposes what the country is capable of yielding; and his project is to change entirely the application of the revenues of the country, and to secure the whole into the hands of government. At last he comes to the province of Burdwan.

* The author quoted is Mr. Holwell. See Revised Copy.

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Description of ancient Hindu government in Burdwan.

"In truth," says this author, "it would be almost cruelty to molest this happy people; for in this district are the only vestiges of the beauty, purity, piety, regularity, equity and strictness, of the ancient Hindostan government. Here the property as well as the liberty of the people are inviolate. Here no robberies are heard of, either public or private. The traveller, either with or without merchandise, becomes the immediate care of the government; which allots him guards, without any expense, to conduct him from stage to stage; and these are accountable for the safety and accommodation of his person and effects. At the end of the first stage he is delivered over with certain benevolent formalities to the guards of the next, who, after interrogating the traveller as to the usage he had received in his journey, dismiss the first guard with a written certificate of their behaviour, and a receipt for the traveller and his effects; which certificate or receipt is returnable to the commanding officer of the first stage, who registers the same and regularly reports it to the Raja. In this form the traveller is passed through the country. And if he only passes he is not suffered to be at any expense for food, accommodation, or carriage for his merchandise or baggage. But it is otherwise if he is permitted to make any residence in one place above three days, unless occasioned by sickness or any unavoidable accident. If anything is lost in this district—for instance, a bag of money or other valuable—the person who finds it hangs it upon the next tree, and gives notice to the nearest chauki or place of guard; the officer of which orders immediate publication of the same by beat of tom-tom or drum."

Ancient government in certain provinces defaced by Mr. Hastings.

Now, my Lords, this is the state of things which universally prevailed throughout that whole empire before it was disturbed by the barbarism of foreign conquests, and of which some choice reserved spots continued to the year 1756; of which some remained till Mr. Hastings had the means of defacing them. Such was the prospect of Benares in the happy reign and government of Bulwant Sing: such was the happy state of Benares in the happy days of Cheyt Sing; till Mr. Hastings introduced his reform into that country.

Having stated the general outline of the manners and of the origin of the people of Hindustan, having stated the general principles of the subdivision of the country, having stated those laws of their religion which relate to us, and which either prohibit connexion or oblige us to a connexion very different from what we have hitherto used towards them, I shall now pass them, and leave to your Lordships' judgment seriously to consider the situation of men in such a place, and the obligation which these facts impose upon you to enlarge the bounds and limits of your justice, and, if not of your justice, of your mercy to them, and, not to suffer such fair monuments of the human mind to be defaced by the rapacity of your governors. I hope I have not said a word straining the subject, to bring before you any part of their religion and manners, farther than as relates to our govern-

ment over them; for, though there never was such food for the curiosity of the human mind, I pass it totally over. 15 Feb. 1788.

Now, considering that as the first era in which we are to view the history of the East, the next era is an era of great misfortune to that country and to the world in general —I mean the era of the prophet Mohammed, who has extended his dominion, influence and religion, over that part of the world. There can be no doubt that the enthusiasm which animated his first followers, the despotism that was connected with his religion, and the advantages that his followers had over the broken, disunited, countries of the world, extended its influence vastly. This I wish you to consider and remark as the era of the Arabs. These people made a great impression in India. They had sovereigns in all parts of it. They had particularly the kingdom of Bengal, which is now the object of our inquiry; and they held it for a series and a dynasty of thirty-three Kings, having begun and founded their seats in it very early after the time of the prophet.

Mohammedan dynasty.

These people when settled in the country tried at first, with the ferocious arm of their prophetic sword, to change the religion and manners of that country; but, soon perceiving that their cruelty wearied out itself and never could touch the constancy of the sufferers, they permitted the people of the country to remain in quiet, and suffered their religion to operate upon them as it could, by appealing to their ambition or avarice, or by taking the people who had lost their castes into and increasing the bounds of the Mohammedan religion. But they left the ancient people in possession of the country; they left the ancient nobility in possession of their estates; and they left the ancient sovereigns of the country possessed of an inferior sovereignty; and, where the nature of the country would permit it, they suffered them to continue in a separate state of sovereignty from them. The Mohammedans, during the period of the Arabs, never destroyed the native nobility, gentry, or the landholders of the country; they all remained fixed in their places, as they did till very near our time.

Moderation of the Mohammedan government.

The next era is an era which it is very necessary to state, because Mr. Hastings has made many applications to it; namely, the history of the Tartars, or the era of Tamerlane. They came in not by destroying the Hindus; their conquests were over the other Mohammedans. For Tamerlane, coming into that country as the great reformer of the

The Tartar dynasty.

15 Feb. 1788. Mohammedan religion, to succeed to the rights of the prophet upon a divine right and divine title, struck at all the Mohammedan princes who were there at that time, as persons who were tyrants, abusing their power in the several countries; and he came often into a composition with the people of the country upon the ruin of those tyrants. He had neither time, means nor inclination, to dispossess the ancient Rajas of the country. And to give your Lordships an idea of the equity or policy of that time, and not a history of the ferocity of the country—because ancient historians generally inform us of everything but what we wish to know, stating that India was conquered by Tamerlane in such a year—and the year will be found to coincide somewhere, I believe, with the end of the fourteenth century — thinking the chronology nothing, and thinking what was done to be everything, I may mention that there is here a very remarkable circumstance in the same book, written by no friend to these people :—

Conditions granted by Tamerlane to Hindu rajas.

"When the Hindu Rajas or princes of Hindostan submitted to Tamerlane it was on these capital stipulations—that the emperor should marry a daughter of Raja Jeet Sing's house; that the head of this house should be in perpetuity governor of the citadel of Agra and anoint the king at his coronation; and that the emperors should never impose the jessuah (or poll tax) upon the Hindus."

Here was a conqueror, as he is called, coming in upon the terms of mixing his blood with that of the native nobility of the country, putting them in consequent succession upon the throne of the country, making hereditary constables of the capital of his country of the native princes of the country, and freeing the Hindus for ever from that tax which the Mohammedans have laid upon every country over which the sword of Mohammed prevailed, namely, a capitation tax upon all who do not profess the religion of the Mohammedans. The Hindus by profess charter were excepted from that. They were no conquered people. They carried the evident marks of a noble independency, of a spirit of freedom and good government, as compared with other countries where the prince is armed with supreme, entire, authority, and where the great people have no privileges at all, or having privileges are nothing but subjects.

Various degrees of subjection to the Tartars.

But the modes, the degrees, the circumstances, of subjection varied infinitely : in some places there was hardly a trace at all; in some the Rajas were almost assessors of the throne, as in this case of the Raja Cheyt Sing. These circumstances mark that Tamerlane, however he may be called

from his name a Tartar, was no barbarian; that the people who submitted to him did not submit with the abject submission of slaves to the sword of the conqueror, but admitted an emperor who was just, prudent and politic, instead of the ferocious, oppressive, Mohammedans who had forced their sword into the country. 15 FEB. 1788.

That country resembled more a republic of princes with a great chief at their head than a country in absolute, uniform, systematic, subjection, from one end to the other, in which way it has of late been considered. So that if a prince like Cheyt Sing was not ready to pay any exorbitant fine which would be inflicted upon him by the will of the person who called robbery a fine, and who took from him without either considering his means or his delinquency—why, if such persons there were, the Rajas of that country were armed, they had imperial fortresses for their security, they had troops and the means of a revenue to do themselves justice. But the policy of the prince never was to push that people to such extremity, as it is supposed that those who were the subjects of their conquest were actually pushed. Power of the Rajas.

"In the unfortunate wars which followed the death of Manz-o-Din Sevajee, Cheyt Singh, with a select body of Rhajapoots, by a well-conducted retreat, recovered Agra, and was soon after reconciled to the king and admitted to his favour, conformably to the steady policy of this government in keeping a good understanding with the principal Rajas, and more especially with the head of this house, who is ever capable of raising and fomenting a very formidable party upon any intended revolution in this despotic and precarious monarchy." *

Now, my Lords, during this reign of Tamerlane's and under his successors and government, which we consider a despotism, these principal Rajas, instead of being called wretches and treated as such, were, even when they were in arms against their sovereign, admitted to easy reconciliations; because in reality they were not rebellious subjects, but princes, often asserting their natural liberty and the just constitution of the country. This idea, that Mr. Hastings has endeavoured to bring into the world, of the abject situation in which the people were, has nothing in it in the government of Tamerlane or his successors.

This brings me to the next era, that of Akbar Khan. He was the first who got Bengal into his possession. I can show that his conquest over Bengal was over the last Mohammedan Era of Akbar Khan.

* Quotation from Holwell.

15 Feb. 1788. dynasty; that he conquered the prince, not the country; and that, till we entered into it—which is a certain mark that it was not a conquered country in the sense in which we call conquered—the natives, great men and landholders, were in every part in the possession of the country. It is true, severe revenges were taken by the princes in that country, which bore resemblance to the wars of the roses in this country, where, in the heat of blood, the cry was,

"Off with his head—so much for Buckingham!"

Yet, where the government ever took form and settlement, whatever vigour was used with regard to the adventurers and slaves of the emperor from Persia, Turkey, and all other parts, the Hindus were a favoured, protected, gently-treated, people. This is the way in which it continued in the era of Tamerlane, and these are the principles upon which that empire stood and was governed.

The Hindus protected.

The next era is a troubled and vexatious era indeed, and approaches near to what we have considered, which is the era of the independent subahdars of that country. There were five of them, who governed from about the year 1717 or thereabouts. These viceroys grew into independence partly by the dreadful calamities and concussions of that empire, which happened during the disputes of the successors of Tamerlane, and partly by the great concussion it received when Akbar Khan entered into that country, and shook the throne, and massacred almost all the principal inhabitants of the country. Then the princes became independent: but their independence led to their ruin. Those who had usurped upon their masters had servants who usurped upon them; in the same way as Aliverdy Khan, who murdered his master and let in a body of foreign invaders into that country, who cruelly harassed the Mahrattas in a manner not to be expressed. By a sum which is supposed to amount to five millions sterling he secured the exhausted remains of an exhausted kingdom, and left it to his grandson Suraj-ud-Dowla in peace and poverty: and Suraj-ud-Dowla in 1756 gave way to the era of the British empire.

Era of the independent subahdars.

All that I have to do with this dynasty, which makes the fifth era that I have had the honour of stating to your Lordships, is, that the Hindus were everywhere found in possession of the country; that though this cruel tyrant, this abandoned usurper, this man reduced to the extreme of necessities by foreign invasions, racked and tormented, contrary to duty, but urged through an apparent necessity from an army

The Hindus unmolested.

of 100,000 horse being in his dominions, the people under him, yet still they remained—still they preserved their rank, their dignity, their castles, their houses, their seignories. All the insignia of their situations, and the power and means of subordinating their people, remained till the unfortunate era of 1756. 15 Feb. 1788.

So here I state that, through all these revolutions and changes of circumstances, a Hindu policy and a Hindu government existed in that country till given up finally to be destroyed by Mr. Hastings.

Era of British power.

Having gone through the history and come to that era which is the era of the British power, and in which all Mr. Hastings' education was had—for he existed before that era; he was an antediluvian with regard to Bengal; he was a servant of the Company before that great revolution happened; he was co-extensive with all the acts and all the abuses, and had a large part in all the abuses, that happened in that time to the moment of his government: but as in that time all those abuses had their origin, you cannot thoroughly understand the nature and circumstances of them without an explanation of all the events that happened from the year 1756 till Mr. Hastings' government—if I find it agreeable to your Lordships, if I find that you wish to know the annals and horrible series of all the transactions from 1756 to the period of Mr. Hastings' government, that you may know how far he promoted what was good, how far he rectified what was evil, how far he abstained from innovating, and bringing in new mischiefs upon the country—your Lordships will have the goodness to consult the strength which begins almost to fail me—and, if you think the explanation is not time lost in this new world and in this new business, I shall venture to make out to your Lordships that eventful history which preceded Mr. Hastings' government; and then we shall have a clear knowledge of the cause, of the descriptions of people in the country, and a clear knowledge of all that has happened abuseful in the country since Mr. Hastings went into it; and then we shall be able to enter fully and explicitly into the nature of the cause.

Whether this is necessary or not I submit to your Lordships. I thought it was. I poured out before the committee my poor ideas upon the subject.* They were so good as to

* Reference is here made to speeches in committee of the House of Commons, in June 1786 and April 1787, on motions for impeachment of Warren Hastings on the articles of charge drawn up by Mr. Burke.

15 Feb. 1788. think such an explanation necessary. Their knowledge enables me to do it; and I should rather hope that it will pave the way and make everything easy for your subsequent justice.

I therefore wish to stop at this period, in which Mr. Hastings was alive, was active in the service, and pretty nearly the time when he began his political career. And here, my Lords, I pause, wishing your indulgence to follow, at such time as will suit your convenience, for pursuing the rest of this eventful history.

CONTINUATION OF THE SPEECH OF THE RT. HON. EDMUND BURKE, MANAGER FOR THE HOUSE OF COMMONS, IN OPENING THE IMPEACHMENT; 16 FEBRUARY, 1788.

Distinction between explanatory and criminatory statements.

My Lords,—In what I had the honour of laying before your Lordships yesterday, and in what I may farther trouble you with to-day, I trust and hope your Lordships will observe a distinction, which if I did not lay down as perfectly as I ought yesterday, I hope I shall be able to mark it out peculiarly and distinctly this day.

First, that which I shall think necessary to state as matter of explanation, in order to give your Lordships a true idea of the scene of action, of the instruments which Mr. Hastings employed, and the effects that they produced—that I wish to be distinguished from matter brought to criminate. The matter brought by me to criminate is in a great measure only illustrative; and your Lordships are to depend for the substantial part of the crimination upon the moment when the evidence is going to be produced to you.

The crimes charged affected by previous historical facts.

My Lords, with this caution, I wish to have it understood that, when I have stated or shall hereafter state any historical matter, even that preliminary matter will lead perhaps to a larger, fuller and more judicial, investigation than if the crimes should stand distinct from the previous facts. For instance, if I stated yesterday to your Lordships—as I did—the tyranny, cruelty and iniquity, of one of the usurping viceroys, whose usurpation led the way to our power, it is not that I charge Mr. Hastings with any part of that guilt. What I charge Mr. Hastings with is, having avowedly looked to such a man as his example and followed him with a servile fidelity. When I have spoken—as I have endeavoured to lay down to your Lordships—of anything abusive or leading to abuse from its defects in the constitution of the Company's service, I have not meant to criminate Mr. Hastings with any part of that, any farther than as he used the weakness of the institution to let in his abuse of the power with which he was entrusted. For instance, if I

16 Feb. 1788. have stated that the general run of the service of the India Company was weak in legal emolument and powerful in the means of illegal emolument, I did not state that as a defect owing to Mr. Hastings; but I stated it as a crimination, or leading to that crimination which we shall more particularly bring before you, namely, that Mr. Hastings, taking advantage of that defect, did fraudulently, corruptly, and for the purposes of his own ambition, take advantage of it under a pretended reformation, to make an illegal, partial, corrupt, advance of emoluments to certain persons, even to increasing the disorder of the rest of the service as well as loading the Company with many expenses.

Having therefore wished your Lordships to keep steadily in your minds these circumstances—which I trust and hope you would do, even without my taking the liberty of suggesting it to you—I shall beg leave to proceed to that period at which I closed—that great and memorable period which has given occasion to the trial of this day—a day which I hope, for the honour of the justice of Great Britain, will shine in the future annals of our history.

Glory of punishing abuse of power.

My Lords, to obtain empire has been a common thing; to govern it well has been more rare. But to chastise the guilt of those who have abused the power of the country by the high justice of it is, I hope, a glory more peculiarly reserved to this nation, to this time, and to this house.

Introduction of British power into India.

The year 1756 is a memorable era in the history of the world. It introduced a new power, with new manners, new customs, new opinions, new laws, into India; and it would have been a beautiful, a brilliant, thing for the history of this country if it had shown its virtue upon that occasion to be altogether equal to its fortune.

Opportunity of gaining glory by the government of India.

My Lords, if in Asia, in that part of the country which had its native government broken up, which had fallen into a scene of confusion from being the prey and sport of the infernal ambition of its own grandees, if at that time a star had risen from the west that would have prognosticated order, peace, happiness and security, to the natives of that country—and indeed something might have been expected of the kind, when it was to come from a learned and enlightened part of Europe, in the most enlightened period of its time; when it was to come from a nation the most enlightened of the enlightened part of Europe—it would have been a great deal to say, that they came from the bosom of a free country, which carried with it, at least, to a country

that had not the benefit of its forms, all the advantage of the liberty and spirit of the British constitution. It would have been glorious to this country, and would have saved the trouble of this day, in some measure at least, it would have been glorious to us too, that, in an enlightened state of the world, possessing a religion an improved form of the best religion of the world—I mean the reformed religion—we had done honour to Europe, to our laws, to our religion, done honour to all the circumstances of which we boast and pride ourselves, at the moment of that revolution. 16 Feb. 1788.

My Lords, it has happened otherwise: it is now for us to think how we are to repair it. And, therefore, resuming where I broke off, with your indulgence to my weakness, yesterday, I shall beg leave to restate to you that Suraj-ud-Dowla was the adopted grandson of Aliverdy Khan, a cruel and ferocious tyrant, the manner of whose acquisition of power I have stated. He came too young and inexperienced to that throne of usurpation. It was a usurpation yet green in the country; the country felt uneasy under it. It had not the advantage of that prescriptive usage, that inveterate habit and opinion, which a long system of any government secures to it. The only security that it had was the security of an army. The prince of the country had endeavoured to supply the weakness of his government by the greatness of his purse and amassed treasure. But, with all the more treasures they amassed, the more they felt the effects of poverty. For putting the money in the place of force, the consequences were that their armies were unpaid; and, being unpaid or weakly paid, were undisciplined, disorderly and unfaithful. In this situation, a young prince, confiding more in the appearances than in the reality of things, undertook—from motives which the House of Commons, with all their industry to discover the circumstances, have found some difficulty in making out—to attack a little miserable trading fort that we had erected at Calcutta. He succeeded in that attempt, because success in that attempt was easy; and there happened, in consequence of it, an imprisonment, not owing I believe to the direct will of the prince, but—what will always happen when the will of the prince is but too much the law—that there was an abuse, a gross abuse, of his power by his lowest servants, by which one hundred and twenty or more of your countrymen perished miserably in a

Of Suraj-ud-Dowla, Nawab of Bengal.

The black hole of Calcutta.

16 Feb. 1788. dungeon in that place, by a story too tragical for me to tell, too well known for me to need mention it.

Acquisition of Bengal by the British.

When the event happened, there happened at the same time a concurrence of other events which, in the midst of that weakness, displayed the strength of Great Britain in Asia. For some years before, upon the coast of Coromandel, the French and English troops began to exhibit the power, force and efficacy, of European discipline in that part of the world; and, as we daily looked for a war with France, the country was to a degree armed there. Accordingly, my Lord Pigot, the preserver and the victim of the British dominion in Asia, detached a strong force—such of the Company's force as could be collected and such of His Majesty's ships as were on that station—to the assistance of that place. And accordingly—to make short of this history—the daring and commanding genius of a Clive, the patient, firm ability of a Watson, the treachery of Mir Jaffier, and the battle of Plassy, gave us the patronage of a kingdom and the command of all its treasures. We negotiated with Mir Jaffier, the viceroy, for the throne of his master; upon which throne we seated him, and obtained immediately immense sums of money—a million sterling for the Company, upwards of a million for individuals—in the whole, a sum of about two millions three hundred thousand, for various purposes, from the prince of the country. We obtained too the town of Calcutta more completely than we had it, and the twenty-four districts adjoining; which was the first small seminal principle of the great territorial acquisitions we since made in India.

Mir Jaffier, Nawab of Bengal.

Many circumstances of this acquisition I pass by. There is a secret veil to be drawn over the beginnings of all governments. They had their origin—as the beginning of all such things have had—in some matters that had as good be covered by obscurity. Time, in the origin of most governments, has drawn this mysterious veil over them. Prudence and discretion make it necessary to draw something of that veil over a business in which otherwise the fortune, the genius, the talents and military virtue, of this nation never shone more conspicuously. But a wise nation, when it has made a revolution itself and upon its own principles, there rests. The first step is revolution to give it power; the next is good laws, good order, to give it stability. I am sorry to say that the principle upon which the gentlemen in

16 Feb. 1788.

Encouragement of revolutions by servants of the Company.

India acted, at that time, was such as tended to make the new government as unstable as possible. For, by the vast sums of money acquired by individuals upon this occasion—the immense, sudden, prodigious, fortunes—it was discovered that a revolution in Bengal was a mine much more easily worked and infinitely more productive than the mines of Potosi and Mexico. But they found that the work was, not only very lucrative, but not at all difficult. While Clive forded a deep water upon an unknown bottom, he left a bridge for his successors over which the lame could hobble and the blind might grope their way. There was not at that time a knot of clerks in a counting-house, there was not a captain of a band of ragged topases, that looked for anything less than the deposition of subahdars and the sale of kingdoms. Accordingly, this revolution, that ought to have precluded other revolutions, unfortunately became fruitful of them; and, when my Lord Clive returned to Europe, to enjoy his fame and fortune in this country, there arose another set of people, who thought a revolution upon that revolution might be made as lucrative to them as this was to the first projectors. Accordingly, scarce was this Mir Jaffier seated upon his throne than they immediately, or in a short time, projected another revolution—a revolution which was to unsettle all the former revolution, to make way for new wars and disturbances, and for that train of peculation which ever since has vexed and oppressed that country.

Intrigues of Cossim Ali Khan.

My Lords, there was in the house of Mir Jaffier, in his court and in his family, a man of a daring, intriguing, ferocious, subtle, bloody, character, called Cossim Ali Khan, who was the son-in-law of Mir Jaffier, and who made no other use of his approximation, of his nearness of affinity, to his father, but to endeavour to dethrone him and to murder him. He was an instrument fit for the persons who undertook this second mercenary revolution; which could not be covered with the smallest plausible appearance of advantage or necessity, from the discovery of any faults or infirmities that might have been in the first revolution. This wicked man was not long without finding persons who observed his talents with admiration, and who thought fit to employ him.

Cossim Ali employed by Mr. Holwell and others in a plot to overthrow Mir Jaffier.

To give your Lordships an idea of the persons and the state of things, I have first stated who Cossim Ali Khan was; I will now state the other parties. Mr. Holwell was by seniority, not appointment, at the head of the Presidency, and waited for the coming of Mr. Vansittart. He con-

16 Feb. 1788. sidered himself, and was considered by others, as only temporarily in that place; but he was therefore resolved to make good use of his time. The terrible example of the black hole at Calcutta had not cured him of ambition. He had determined upon another revolution. But at the same time, he had in his Council Mr. Sumner and Mr. Macguire. The Council was divided, for the convenience and arrangement of business, into two parts; one the Council in general, the other a select committee, which they had arranged for the better carrying on their political affairs. But the select committee had no power of acting wholly without the Council, at least finally and conclusively. The committee thought otherwise: but between these litigant parties for power I shall not determine, thinking of nothing but troubling your Lordships with the use that was made of it. This secret Council then, without communicating with the rest of the Council, formed the plan for a second and entirely mercenary revolution. The persons that I have stated [were] of the Council; [and, besides] these, General Calliaud, that now is —he was then a major who commanded in the fort for the British troops—was a person high in situation, and by his situation might claim a seat in the Council. There was a young gentleman, Mr. Warren Hastings, at that time Resident at the court of Ali Khan, then allied to this country under the most solemn treaties that can bind men, and for which he had paid and was then paying immense sums of money. This Mr. Warren Hastings was the pledge in his hands for the honour of the British nation and their fidelity to their engagements, in the place of Resident at his court.

Constitution of the Council of Calcutta.

Revolution planned by the secret Council.

Mr. Hastings the Resident at the Nawab's court.

Parties concerned in the revolution.

These are the parties which were concerned in the revolution. Mr. Holwell seems to have been the first suggester, mover, and most active person in it. Mr. Sumner followed him in the Council. Mr. Macguire concurred and cooperated. But they could do nothing by themselves; for force was necessary to effect this revolution, and Major Calliaud was necessary to this force. Treachery was necessary to effect it, and Warren Hastings was necessary to accomplish that treachery. Major Calliaud was the General in the field. Mr. Holwell considered himself only as in possession of temporary power, as he was waiting for Mr. Vansittart; but he was urged strongly that, if Mr. Vansittart should come before his plot could be finally put into execution, he would have all the prior advantages of it, and Mr. Holwell be considered only as a secondary instrument; and

therefore Mr. Holwell, who originally conceived this plan—as far as the House of Commons were able to discover—wished to carry this plan into execution before the arrival of Mr. Vansittart. But Major Calliaud wished to keep it back. He concurred inwardly, as he tells us himself, in all the principles of this revolution, in the propriety and necessity of it; but he did not choose to undertake it till Mr. Vansittart should arrive, who was to be the permanent Governor; who was to give weight, firmness and character, to the whole. And accordingly, while Mr. Holwell endeavoured by his correspondence to stimulate him forward to this enterprise, which without him could not be undertaken at all, he gave him such reasons, not for postponing, but for totally abandoning that enterprise, showing the futility, the injustice and the danger, of it, and the impossibility of mending their condition in any respect by it, as must have damned it in the minds of all rational men whatever: at least, it ought to for ever have damned it in his own. But you will see they persevered in this plan, and that General Calliaud—I call him so now from his present situation; but, Major or Colonel Calliaud—thought two things necessary; first, not wholly to destroy the scheme, which he tells us he always approved, but to postpone it, and in the meantime to delude the Nawab by the most strong, direct and sanguine, assurances of friendship and protection that it was possible to give to a man.

Efforts of Major Calliaud to postpone the revolution.

At this time—and I go into the circumstances of this revolution the more fully because they not only open a mischievous licence to the servants of the Company, in shaking all establishments the most permanent and most guaranteed by the Company's faith, but because they show at the same time the perfidy, the fraud and treachery, with which they are accompanied; they show a suppression of correspondence, and the bold, assuming, contradiction to the orders of their superiors; because they show the collusive practices, the mock trials and the scandalous acquittals, and finally the general collusive decision of the East India Company upon the worst transactions, and that which they have most condemned in their service; it is for that reason—whilst this event stood suspended, whilst Mr. Holwell urged it forward, and Mr. Vansittart was expected every day to give it effect—if he would give it effect—there happened such an event, which gives such light into the whole proceeding, that your Lordships will not blame me when you have heard it for dilating it more fully and

Reasons for detailing the circumstances of the revolution.

16 Feb. 1788. particularly, and bringing it before you from beginning to end; stopping the narrative of the revolution that you may see the whole together, that by it you may judge of the state and condition things were in, in the country, when Mr. Hastings was sent for the express purpose of reforming that state.

Story of the three seals.

The business is commonly known by the story of the three seals. It is in the Appendix No. 10 to the First Report of the state and condition of the East India Company, made in 1773. But the word Report is sometimes a little equivocal, and may signify sometimes what is not reported but remains in obscurity. For most people—and I may, among them, take shame to myself—have not examined to the end all the Appendix; and it is not till within this year that I have been thoroughly acquainted with the story of that memorable history of the three seals.

The Nawab's son, Meeran.

The story is this; that, while they were in the camp, and this negotiation for the destruction of the Nawab of Bengal was going on, the Nawab's son, Meeran—a youth in the flower of his age, bold, vigorous and active, and full of the politics which those who deal in usurpations never are wanting in—commanded the army at this time. About the 15th of April, 1762, the Nawab himself, exactly what time before I cannot say, was at the camp in which his son acted as Commander-in-chief, and in which General Calliaud, under him, acted as commander of the auxiliary forces for the Company. On that day, the 15th of April—for I am to tell it from the parties themselves concerned—the Nawab came into the tent of General Calliaud, and, with a countenance of the utmost embarrassment, big with something that was too large and burdensome to conceal and yet too critical to be told, appeared to be in great distraction. The General, seeing him under this embarrassment, kindly, gently, like a fast and sure friend, employed (to use his own expression) forms of those assurances that tend to make men fully open their hearts. And accordingly, fortified by his assurances, and willing to disburden himself of this secret that oppressed him, he opens his heart to the commanding officer of his new friends, allies and protectors; and he tells him, too, I should mention to your Lordships—which I ought to have mentioned before—that the present Emperor of the Moguls, at this time—then the prince royal, called Shah-zada, that is, the King's son—escaping from the confinement of his father, had put himself at the head of several chiefs, and had penetrated into the

Design of the Nawab to murder the Shah-zada communicated to General Calliaud.

16 Feb. 1788.

province of Behar in considerable force; and against those parties [they] were then in war. Whether they ought to have been so or no is not now the question—but there they were in war. The Nawab informed General Calliaud that he had received a message from the Prince or Shahzada's principal minister, informing him that he had an intention—as indeed well he might, supposing that we were as well disposed to him as we showed ourselves afterwards—to surrender himself into the hands of him, the Nawab; but at the same time wished for a guarantee that the Commander-in-chief of the English forces should give him security for his life and his honour, when he had in that manner surrendered himself to the Nawab. I do not mean by surrendering, surrendering himself prisoner of war, but as a sovereign would to his faithful subjects and to those persons who claimed to derive under his power. Accordingly, he stated to the General that, without this security, the Prince would not deliver himself into his hands, but that he had a farther view that, when the Prince had delivered himself into his hands, his intention was in plain terms to murder him; which act could not be accomplished without the General. For, in the first place, the Prince without his security would not deliver himself into his hands, and without his concurrence he could not be murdered. These were difficulties that pressed upon the mind of the Nawab. The General heard this astonishing proposition without any apparent or considerable emotion, being a man habituated to great affairs, versed in revolutions and with a mind fortified against grand events; and he heard it and answered it without showing any signs of abhorrence or detestation, but at the same time with protestations that he would serve the Nawab, but it should be upon such terms as honour and justice could support. And he told him that an assurance for the Prince could not be given by him, till he had consulted Mr. Holwell, who was then Governor at Calcutta.

His application to General Calliaud for assistance.

This conversation passed in the morning. On the day of that morning General Calliaud writes to Mr. Holwell an account of this conversation and of this proposition; and says that he made an inquiry, without stating from whom, but inquired from some persons, who assured him that there was no probability of the Prince's intention to deliver himself to him at all. However, the whole transaction of the morning of the 15th of April was not very discouraging to the Nawab; not such as would induce him to quit, and to consider this most

The proposal referred to Mr. Holwell.

16 Feb. 1788. detestable of all propositions as a thing utterly unfeasible. General Calliaud came that evening to his tent, to arrange some matters relative to the subsequent campaign. There the business soon ended with regard to the subsequent campaign: but the business of the morning was resumed in another form, and then the persons stated it as it was first represented; and your Lordships will see what alterations were made in it afterwards.

In the evening scene the persons were General Calliaud, Mr. Lushington, Mr. Knox and Warren Hastings. On the part of the Nawab, himself, his son, a Persian munshi and his head spy, an officer well known in that part of the country. And these were the persons in this drama in the evening scene. When the Nawab revived his proposition, the Prince surrendering himself into his hand was a point he no longer stated: so that one act of treachery is saved to him. But another happened of a much more extraordinary kind;

Proposal of the diwan of a chief in the Mogul's service to deliver him into the Company's hands or murder him.

which is, that a person called Conery, who was diwan or principal steward to [Camgar Khan, a chief in the service of the]* Prince, now the great Mogul—a sovereign under whom the Company holds their charter of this country—had made a proposition that if this territory—a large and considerable territory held by his master—was assured to him, and he assured a payment upon the perpetration of his act of a lac of rupees—ten or twelve thousand pounds—he would for that consideration deliver the Mogul alive into their hands, if he could; or, if not, that he would murder him for this reward. This proposition was made to the English commander: what discourse happened upon it is a little uncertain. Mr. Hastings is stated here to have acted

Agreed to by General Calliaud.

as interpreter in that scene. General Calliaud agreed to it without any difficulty: and, accordingly, an instrument was drawn by the Persian munshi, who was in the place, securing to the party the reward of this wicked, perfidious

Seals to the agreement.

and murderous, act. Accordingly, first the Nawab put his own seal to it; the Nawab's son, Meeran, put his seal to it; the third seal was wanting—it was not present. But Mr. Lushington was sent, near half a mile, to come and put it to it; and, accordingly, the instrument was accomplished. The three seals were put to it; and it was known by the business or the affair of the three seals.

This business of the three seals, by some means not quite

* Revised copy.

fully explained, but, as suspected by the parties, by means of the information of Mr. Holwell, who came home, was conveyed to the ears of the court of Directors; and the court of Directors declared and wrote out, under the date of the 7th of October, 1761—which was within a little more than a year of this extraordinary transaction—that, in conjunction with the Nawab, General Calliaud had signed a paper offering a reward of a lac of rupees, or some such sum, to several black persons for the assassination of Shahzada, which paper was offered to the then chief of Patna to sign, but which he refused as a most infamous measure: and, accordingly, it appearing to be so, the India Company ordered a strict inquiry to be made into this, which it considered as a most infamous measure. But the India Company, who did their duty with apparent manliness and vigour, were resolved to do it in a manner that could not procure any serious mischief. For the commission of inquiry they directed to the very clan and set of people who were in awe of one another; namely, in effect, to the persons themselves. And therefore, without a prosecutor, without a director, they left it to those persons to try one another for their common act. And here, coming upon the principle which I wish to mark to your Lordships—the manner of the collusive trials and collusive acquittals in this business—when this matter came to be examined before the Council, which was on the 4th of October, 1762, the Council then consisted of Peter Maguire, Warren Hastings and Hugh Watts. Mr. Hastings had by this time accomplished the business of the place, and had taken the seat to which his seniority intitled him, I believe, in the Council. But here a difficulty arose *in limine;* that Mr. Hastings, who is represented to have acted as interpreter in this business, was not a fit person to sit as a judge in the affair. It likewise appeared that there might be some objection to some of the witnesses. For with respect to Mr. Lushington, who might have been concerned in that occasion, there were two circumstances unlucky; he had put his seal to it, and he, it seems, had made an affidavit at Patna that he had put his seal and that Warren Hastings was interpreter in that transaction. The question was how to get the interpreter out of his interpretation and to put him upon the seat of judgment. Why, the manner in which it was effected was something curious; it was this—that Mr. Lushington, who by this time was got completely over, was, as he himself tells you, by conferences

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Conduct of the Company with respect to the affair of the three seals.

Inquiry into the transaction by the Council.

Difficulty with respect to Mr. Hastings acting as judge in the affair.

16 Feb. 1788. with General Calliaud and by arguments and reasons by him delivered, persuaded to unsay his swearing; to declare that he believed that that affidavit which he made before and while the transaction was recent, or nearly recent, must be a mistake; that he believed that not Mr. Hastings but he himself interpreted. In a company [an interval?] no larger than that, Mr. Lushington therefore completely loses his memory, accepts a given, an offered, memory—[offered] to him by a party in the transaction; and Mr. Hastings is at once put into the capacity of a judge, and declared not to have been an interpreter in the transaction. Mr. Hastings is himself examined, and—what your Lordships will look at at your leisure, and consider as a pattern of inquiries of this kind—Mr. Hastings is examined and he does not recollect—he thinks he was not there; for that, if he had been there and acted as interpreter, he could not have forgot it. And therefore, upon that kind of answer given by Mr. Hastings (I think it is pretty nearly as I state it: if I have fallen into any error or inaccuracy it is easily rectified; for here is the state of the transaction given by the parties themselves), he, upon this inaccurate memory of his not venturing to say positively that he was not the interpreter, that he was not there, is discharged from being an accomplice. He is removed from the bar and sits upon the seat of judgment. Then General Calliaud comes manfully forward to make his defence. Mr. Lushington is taken off his back; and no one person remains but Captain Knox. Now, if he was there and assenting, he is an accomplice too. Captain Knox is made to say—though General Calliaud does not quite believe him—Captain Knox is made to say that he said it was a pity to cut off so fine a young fellow in such a manner; meaning that fine young fellow the Prince, the descendant of Tamerlane, the present reigning Mogul, from whom the Company derive their present charter.

Examination of Mr. Hastings.

General Calliaud's defence of his conduct in the affair of the three seals.

The defence that was set up by General Calliaud was this—that he was apprehensive that the Nawab was alarmed at the violent designs that were formed against him by Mr. Holwell, and that therefore, to quiet his mind with an opiate made up of murder and treason—it's an odd kind of mind he had that was to be quieted by such means—but, to quiet his mind and show that they were willing to go all lengths with him and sell body and soul to him, he put his seal to this extraordinary agreement—he put his seal to this wonderful paper. He likewise stated that he was of opinion

that nothing at all could happen from it; that no such murder was likely to take place, whatever might be the intention of the parties; and that, in fact, he had very luckily said in a letter of his, wrote the day after the setting the seal, "I think nothing will come of this matter, but it is no harm to try." This experimental treachery and these essays of conditional murder appeared to him good enough to make a trial of; but, at the same time, he was afraid nothing would come of it. And, in general, the whole point is to persist that his mind is clear—"my hands are guilty, but my heart is free." He conceived that it was very improper undoubtedly to do such an act, if he suspected anything could happen from it. But, however, he let the thing out of his hands, put it into the hands of others, and he put the commission into the hands of a murderer. This was brought before them. But his extenuation was the purity of his heart, the bad situation of the Company's affairs—the perpetual plea in such situations, which your Lordships are to hear of and will hear of for ever: and, if it will justify evil actions—that prodigality will betray people into difficulties, and that those difficulties will justify nefarious and wicked acts—if your Lordships are as indulgent (which I am sure, with all your goodness, you will not be) as this inquisition, trying their accomplices and friends, your Lordships will have little to do in this business. But he calls upon his life, his character, and all those things, to oppose to his seal; and, accordingly, upon these declarations and upon declaring that Mr. Holwell had intended ill to the Nawab, and, though he approved of these, but only postponed them, yet he thought it necessary to quiet the fears of the Nawab; that, from this motive, he did an act abhorrent to his nature, and which, he says, he expressed his abhorrence of the morning after he signed it—not that he did; but, if he had, I believe it would only have made the thing so many degrees worse:—(Your Lordships will observe that, in this conference, as stated by himself, those reasons and apologies for it did not appear, neither in the letter nor anywhere else, till next year, when he came upon his trial. Then it was immediately recollected that Mr. Holwell's designs were so wicked they certainly must be known to the Nawab, though he never mentioned them in the conference of the morning or the evening of the 15th; yet, such was the weight and prevalence of them upon his mind, that he calls upon Mr. Hastings to know whether the Nawab was not informed of 16 Feb. 1788.

16 FEB. 1788. those designs of Mr. Holwell against him. Mr. Hastings' memory was not quite correct upon the occasion. He does not recollect anything of the matter. He certainly seems not to think that he ever mentioned it to the Nawab, or the Nawab to him; but he does recollect, he thinks, speaking something to some of the Nawab's attendants upon it—and further this deponent sayeth not)—upon this state of things, namely, the purity of intention, the necessities of the Company, the propriety of keeping the Nawab in perfect good humour and removing suspicions from his mind—which suspicions he had never expressed—they came to the resolution I shall have the honour to read to you:—"That the representation given in the said defence of the state of the affairs of the country at that time"—that is, about the month of April, 1760—"is true and just"—that is, the bad state of the country; that we shall consider hereafter;—"that in such circumstances, the Nabob's urgent account of his own distresses, the Colonel's desire of making him easy"—for here is a recapitulation of the whole defence—

Resolution of the Council on the conduct of General Calliaud.

"The Colonel's desire of making him easy, as the first thing necessary for the good of the service, and the suddenness of the thing proposed, might deprive him for a moment of his recollection, and surprise him into a measure which, as to the measure itself, he could not approve. That such only were the motives which did or could influence Colonel Calliaud to assent to the proposal is fully evinced by the deposition of Captain Knox and Mr. Lushington. That his conscience, at the time, never reproached him with a bad design."

Your Lordships have heard of the testimony of a person to his own conscience; but the testimony of another man to one's conscience—this is the first time, I believe, it ever appeared in a judicial proceeding. It is better to say—"My conscience acquits me of it;" but they declare that "his conscience never reproached him with a bad design, and therefore, upon the whole, we are satisfied that his intention was good, though he erred in the measure."

The Nawab of Calcutta not examined.

I beg to state one thing that escaped me, that is, that the Nawab, who was one of the parties to the design, was at that time a sort of prisoner or an exile at Calcutta; that his munshi was there, or might have been had; and that his spy was likewise there; and that they who were parties to this transaction were never called to an account for it in any sense or in any degree, or to show how far it was necessary to reconcile it to his mind. But the good court of Directors, who were so easily satisfied, so ready to condemn at the first proposition and so ready afterwards to acquit, not only

Observations on the conduct of the Directors.

acquitted in the manner mentioned before, disapproving the measure but receiving the testimony of his conscience, but they take up the ground and honourably acquit him, and give him a testimony that the whole arose from fidelity and zeal in their service.

Collusion of the parties.

The great end and purpose for which I produce this to your Lordships, is to show you the necessity there is for other inquiries—other trials—other acquittals—of parties than those made by a collusive clan; the Directors requiring the parties to inquire of themselves and to take the testimony of the consciences of the parties, at second hand, respecting acts which neither they nor any man living can look upon but with horror.

These proceedings I mention as one piece of unbroken continuity, in order to see in what an horrible condition our government stood at the end of 1761, when Mr. Hastings began his political campaign.

Continuation of history of the plot to remove the Nawab.

The story of the three seals, interrupted for a while—though it was a continuity of—the business. For it was stated to accomplish one necessary part of the plot; which was, to lull the Nawab into perfect security of the designs that were carrying on against him. Now the plan proceeds. They continued in the camp. But there was another *remora*; because business of this kind is not easily got rid of. To remove a Nawab and to create a revolution is not easy. Houses are strong who have eldest sons grown up, with vigour and fit for the command of armies in them. They are likewise not easily overturned in the principal unless the secondary person is got rid of. But this plan now began—that is, about the month of July—to get into great ripeness and forwardness; General Calliaud urging forward; Mr. Vansittart hourly expected; the thing going on in a happy way, if this *remora* could be removed. Things were going on in a happy way, in the business, and so they state.

Objects of Cossim Ali Khan.

I do not know whether I am going to state a thing—though it is upon the records—which will not look to have too theatrical an appearance for the grave state in which we are; but here they are, recorded by the parties themselves—the difficulties, the knots, and solution, [as they] occurred in this affair. For the bargain was to be made with this person—this bold, desperate, designing, man, Cossim Ali Khan, who aimed at everything and who scrupled nothing in attaining what he aimed at. His point was to be appointed during the life of Jaffier Ali [his lieutenant], with a design of murdering him, though to get possession of his

6 FEB. 1788. office under the name of his lieutenant; which lieutenancy, according to many usages of that country, especially if supported by power, totally supersedes the authority of the first magistrate, renders him a cypher in his hand, and gives the administration of his affairs and his troops to the lieutenant. It was a part of his plan that he was, after his present lieutenancy, to be named to the succession of the Nawab, [who had] several other children. But this eldest son stood in the way in succession. To be successor to the Nawab—such was the condition of this obligation.

Strange death of the Nawab's son, Meeran.

There happened just in this time of difficulty the most extraordinary event that I believe is recorded in history. This Prince, lying asleep in his tent, suddenly, without any one's knowing it, without any alarm or menace in the heavens that ever was heard or mentioned, without any one whatever being hurt or even alarmed in the camp, is killed with a flash of lightning.* My Lords, thus was the Gordian knot cut. The Prince dies of this flash of lightning; and Mr. Lushington, of whom you have heard, comes in the morning, with his hair standing erect, comes frightened into the presence of General Calliaud, and, with the utmost alarm, tells him of a circumstance that was afterwards to give them so much pleasure. The alarm was immediately communicated: the General was seized with the same fright, and, fearing that the army should mutiny upon the death of their chief, it was contrived (in a manner that I believe has been the most difficult to contrive) that what would have given the general alarm was concealed, by the ability, the good conduct and dexterity, of General Calliaud, for seven days together, till he led the army out of the place of danger and got them out of all the torpidity that would have followed such an act. Thus a judgment fell upon one of the intentional murderers in the scene. This man, who was probably guilty both in his conscience and act, thus fell by that most lucky, providential and most useful, flash of lightning.

Death of Meeran attributed to Cossim Ali and his English confederates.

There were at that time, it seems, in Calcutta a wicked,

* The following note by Mr. Burke occurs in the MS. "Colonel Ironside has since informed Mr. Burke that there was a violent storm of thunder, lightning and rain, on that night. Mr. Stables informed him of the same; but with less certainty as to the precise day. So there seems to be an error in this statement. But General Calliaud's own narrative before the select committee in 1773 makes no mention of this storm, and it was on that authority that the above statement was made. Many believed at that time (as appears by that report) that the Nawab had been murdered—probably by some emissaries of Cossim Ali Khan."

sceptical set of people who, somehow or other, believed that human agency was concerned in this; and so they disseminated things which I am sure I do not mean to charge or prove, leaving the effect of things to you—very dishonourable, I believe, to Cossim Ali Khan in the business, and to some Englishmen who were concerned: but they did disseminate such notions—of which I have no sort of proof. And there it remains; and thus the difficulty of the parties, namely, the getting rid of Meeran, was removed by the interposition of heaven. 16 Feb. 1788.

Then Mr. Vansittart comes upon the stage. I verily believe he was a man of good intentions, and rather debauched by that amazing flood of iniquity that prevailed at that time—hurried and carried away with it. In a few days they sent for General Calliaud, all whose objections vanish in an instant. Like that flash of lightning, everything is instant. The General agrees to take his part. They send for Cossim Ali Khan and Mr. Hastings; they open a treaty with him and conclude it with him, and leave the management of it to two persons, Mr. Holwell and another person we have heard of, an Armenian, called Coja Petruse. They are Christians, but he is, according to their way of calling, called Coja Petruse; a person who afterwards played his part in another illustrious scene. By this Petruse [and] Mr. Holwell the matter is settled. The moment Mr. Holwell is raised to be a secretary of state the revolution is accomplished. By it Cossim Ali Khan is to have the succession of the present lieutenancy; everything is put into his hands; and he is to make for it large concessions, which you will hear of afterwards, to the Company. Cossim Ali Khan proposed what would have been no bad supplement to the flash of lightning—he proposed to Holwell to murder the Nawab. But Holwell was a man of too much honour and conscience to suffer that. He flew out in an instant at it, and declared the whole would stop unless the affair of the murder was given over. But if he gave him over to an intended murderer, and delivered his person, treasure and everything, into his hands, Cossim Ali Khan might have had no great reason to complain of being left to the execution of his own projects in his own way. Accordingly, when it was settled, the treaty was made. The treaty amounted to this; that the Company was to receive three great provinces:—for here, as you go, you will have an opportunity of observing,

Character of Mr. Vansittart.

Management of the revolution committed to Mr. Holwell and Coja Petruse.

Object of the revolution.

Proposal of Cossim Ali to murder the Nawab.

Conditions entered into with Cossim Ali.

16 Feb. 1788. with the progress of these plots, one thing which has constantly and uniformly pervaded the whole of the Company's projects, and which [their servants?] have avowed as a principle of their action—that they were first to take care of the Company's interest, then of their own; that is, first to secure to the Company an enormous bribe, and, under the shadow of that, to take all the little emoluments they could to themselves. There were three great, rich, maritime or nearly maritime, southern provinces, B[urdwan], M[idnapore], and C[hittagong], great, rich, powerful, provinces, to be dissevered from the subah and to be given to the Company. There were other minor stipulations, which it is not necessary at present to trouble you with, signed, sealed and executed, at Calcutta between these parties, with the greatest possible secrecy. The lieutenancy and the succession were secured to him [Cossim Ali Khan], and he was likewise to give somewhere about the sum of 200,000*l.* to the gentlemen who were concerned, as a reward for serving him so effectually and for serving their country so well. And, accordingly, upon these stipulations, actually or so understood, but which were effected, Mr. Hastings being then at the durbar and having everything prepared and the ground smoothed, a commission of delegation, consisting chiefly of Mr. Vansittart and General Calliaud, went up into the country, and there, upon the pretence of a visit from the Governor to pay his devotions to the Nawab, and at the same time to pay the respects which a new Governor coming into place would do, and to get him respect, in a manner, the detail of which it is not necessary to trouble you with, first endeavoured to persuade the Nawab to deliver himself in this way—to deliver over the power so negotiated for into the hands of their friend Cossim Ali Khan. But when the man, frightened out of his wits at it, asked, "What is it he has bid for me?"—and added to it, "I will give half as much again to save myself; pray let me know what my price is?"—he desired in vain. They were true, firm and faithful, to their word and their engagement: they were resolved he should be delivered into the hand of Cossim Ali. He surrenders at once the whole to him. They grasp at it in a moment. He throws himself into a boat: will not stay at home an hour; but hurries down to Calcutta, to leave his blood at our door if we had a mind to take it. But it was too good a stake—partly for the good behaviour of Cossim Ali Khan—that the Nawab

Demands upon the Nawab; and issue of the revolution.

should be destroyed, or left in the hands of a man who would murder him. Cossim Ali Khan was very angry at being refused the murder of his father-in-law. 16 Feb. 1788.

The expense of that second revolution was, according to their shares of it—I believe I have it here—somewhere about 200,000*l.* This little effusion of private interest settled the matter; and here ended that second revolution in this country. Which revolution was effected indeed with no blood but with infinite treachery, with infinite expense to the Company, and the dismembering of the country, which now had got two sovereigns; while before, however assignments might have been granted upon different provinces, here and there, yet the basis remained in the country government. It now was severed. There were three of the great provinces to the south in the hands of the Company, whose capital was Calcutta; the rest were in the hands of Cossim Ali Khan, whose capital was Allahabad.

Conduct of Cossim Ali on his accession to the throne.

This Prince had scarcely got upon the throne, earned by our public spirit and his iniquities, than he began directly and instantly to fortify himself against those who were or could be the donors of such fatal gifts. He removed from Moorshedabad, which is the capital up higher in the country, to Monghyr. In a short time, in order to be more out of our view, he kept his word pretty well but not altogether faithfully with the gentlemen; and, though he had no money, for his treasury was empty, he gave obligations which are known by the name of [japs;—the Indian vocabulary] by degrees will become easy to your Lordships, as we develope the manners and customs of the country. And in this manner the whole of this business was negotiated.

His extortions in his provinces.

As soon as he had done this, he began to rack and tear the provinces that were left to him; to get as much from those provinces as should compensate him for the revenues of those great provinces he had lost. And accordingly he began a scene of extortion, horrible, nefarious, without precedent or example, upon almost all the landed interest of that country. I mention this because he is one of the examples which Mr. Hastings, in a paper called his Defence, has delivered into the House of Commons as one of the precedents and examples of government which he has thought fit to follow, and which he thought would justify him in the conduct he has pursued. This Cossim Ali Khan, after he had acted the tyrant upon the landed interest, fell upon the moneyed interest in the country.

16 Feb. 1788.

His destruction of the family of Juggut Seit, the banker.

There was a person called Juggut Seit. There were several of the family, who were bankers, to such a magnitude as was never heard in the world—receivers of the public revenue. Their correspondenee extended all over Asia; and there are those who are of opinion that that house, all of them, were not worth less than six or seven millions of money. This house beeame the prey of Cossim Ali Khan. But Mr. Holwell had predicted that that house should be delivered over to Satan to be buffeted. It was the pious expression of Mr. Holwell that the house of the Seits should be delivered over [to Satan] to be buffeted. He predieted the misfortunes that should befall them. And they have chosen a Satan to buffet [them], and who did so buffet them by the murder of the prineipal persons of the house, and by robbing them of the great sums of their wealth, that I believe sueh a scene of nefarious tyranny, destroying and eutting up the root of public eredit in that country, was searee ever known. In the mean time he was extending his tyranny over every other; and the persons he first sought were those traitors who had been friends to the English. Several of the principal of these he murdered.

Torture and murder of Ramarain.

There was in the provinee of Behar a man named Ramarain. He had got the most positive assuranees of English faith; but Mr. Macguire, a member of the Couneil, delivered him up, on the reeeipt of 5,000 gold muhars, or something more than 8,000*l.* sterling. He delivered him up to be first imprisoned, then tortured, then robbed in consequenee of the torture, and finally murdered by Cossim Ali Khan. In this way Cossim Ali Khan [aeted], our government looking on.

Fate of a native at variance with Mr. Mott.

I hardly choose to mention to you [the fate of a native, in consequence of a dispute with]* a Mr. Mott, a friend of Mr. Hastings, which is in this record—we have records, but which from the magnitude of them have almost been buried from the [knowledge of the]* country—in a contest with him for his house and property. Some seuffle having happened between the parties, he attempting to seize and the other party to defend, he made a complaint to the Nawab, who was in an entire subjection at that time to the English; and he ordered this unfortunate man, from this very scuffle arising from defending his property, to be blown off from the mouth of a cannon. In short I am not

* Revised copy.

able to tell your Lordships of all the nefarious transactions of this man, whom the intrigues of Mr. Holwell and Mr. Hastings had set upon the throne of Bengal. 16 Feb. 1788.

Abuse of the Company's privilege to pass their goods free of duty.

But there is a circumstance in this business that comes across here, and will tend to show another grievance that vexed that country, which vexed it long, and is one of the causes of its chief disasters, and which I doubt is not so wholly extirpated that some part of its roots may not remain in the ground at this moment — that is, commerce, which enriches every country in the world, was bringing that country to total ruin. The Company, in former times, when it had no sovereignty and power in the country, had large grants to have under their dastack, or their permit, their goods pass without duties through the country. The servants of the Company made use of this dastack for their private trade, which while it was used with moderation the government winked at in some degree; but when it got more into private hands it was more like robbery than trade. They appeared everywhere; they sold at their own prices and forced the people to sell to them at their own prices. It appeared more like an army going to pillage the people under pretence of commerce than anything else. In vain the people claimed from the country courts protection. The English army, marching through the country, ravaged worse than a Tartarian conqueror. The Prince did his best to prevent it; but he was afraid, if this trade went on longer, that there would be little for him to get, either by confiscation or extortion, out of his country. Therefore, think of the condition of the country ravaged by such a tyrant as Cossim Ali Khan, ravaged by such a set of people under the dastack. The lower provinces, which were delivered over to the English, were torn to pieces by their rapacity. This appeared to be too strong; and a deputation was sent to his capital, to Monghyr, at a distance, to form a treaty to give some relief against this cruel, cursed and oppressive, trade, which was worse even than the tyranny of the sovereign. This trade Mr. Vansittart made and agreed by a treaty, known by the name of the treaty of Monghyr, very much to suppress, and to put within those bounds that trade ought to be put. There never was a doubt upon the face of that treaty that it was a just, proper, fair, trading [transaction]*; but, as it was never believed in that country that rapacity in trade could be exceeded [forborne]* but by bribery and corruption, the persons who

Treaty agreed to Mr. Vansittart for restriction of the privilege.

* Revised copy.

16 FEB. 1788. lost every advantage by the treaty of Monghyr, and were like to see their trade crippled by Cossim Ali Khan, fell into a most violent fury at this treaty, made without the rest of the Council. The servants grew divided, and one part were the advocates of the treaty, the other of the trade. They were universally of opinion that the trade [treaty]* was bought for a great sum of money. Whether [it were so I am uncertain]; the evidence we have upon our records of the sums of money stated to have been paid never having been investigated to the bottom, as it ought. But we have upon our records that a great sum—70,000*l.*—was paid to persons concerned in that negotiation. The rest were exceedingly wrath to see themselves not profiting by the negotiation, and losing by the trade or like to be excluded from it; and they were the more so, for we have it upon our journals that all that time the trade of the negotiators was not proscribed, but a parwana was issued by Cossim Ali Khan that the trade of his friends Mr. Vansittart and Mr. Hastings should not be subject to those general regulations. This filled the whole settlement with ill blood; in which undoubtedly Mr. Hastings and Mr. Vansittart were on the right side—I put the motive and the secret history out of the case—and they showed to a demonstration the mischief of this trade. But, however, as the other party were strong and did not readily let go their hold of this great advantage, first dissensions, murmurs, various kinds of complaints and ill blood, arose, and Cossim Ali Khan was driven to the wall; and, having at the same time made what he thought good preparations, a war broke out at last. And how did it break out? This Cossim Ali Khan, whom Mr. Hastings put upon the throne of Bengal, signalised his first acts of hostility against the faith of treaties, against the rules of war, against every principle of honour. This intended murderer, who was put upon the throne well knowing his character and his disposition, though knowing very well what such a man was capable of doing, this man massacred the English wherever he met them. There were two hundred or thereabouts of the Company's servants or their dependents slaughtered, with every circumstance of the most abominable cruelty: their limbs were cut to pieces. The tyrant Mr. Hastings set up cut and hacked the limbs of British subjects in the most cruel and perfidious manner; threw them into wells; and polluted the waters of the country with British blood.

Mr. Vansittart and Mr. Hastings exempted from the restrictions.

Massacre of the English by Cossim Ali Khan.

* Revised copy.

Immediately war is declared against him in form. That war sets the whole country in a blaze, and the other parties begin to appear upon the scene, whose business you will find yourselves deeply concerned in hereafter. 16 Feb. 1788. War declared against him.

But as soon as war was declared against him, it was necessary to resolve to put up another Nawab, and to have another revolution. And where do they resort, but to the man who, for his pretended tyranny, for his incapacity, for the numberless iniquities he was said to have committed, and for his total unfitness and disinclination to all the duties of government [they had dethroned]? This very man they take up again, to put him upon the throne from whence they had about two years before dethroned him, and for the effecting of which [dethronement] they had committed so many iniquities. This revolution was not made without being bought. First—according to the usual order of procession in which the youngest walk first—comes the Company. And the Company had secured to it in perpetuity those provinces which Cossim Ali Khan had given, as it was thought, rather in the way of mortgage than anything else; and then, under the name of [compensation for] suffering to the people concerned in the trade, in the name of donation to an army and a navy who had little to do in this affair, they tax him—what sum do you think?—they tax that empty and undone treasury of the miserable and undone country 500,000*l.*, for a private emolument to themselves, for the compensation for this iniquitous trade, for the compensation for all these supposed abuses. They tax this miserable Prince, who had no share in either forwarding or backing it, 500,000*l.* That sum was given to individuals. Now comes the Company.* The Company upon hearing this were all inflamed. The Directors were on fire, and they were shocked at it; and particularly at this donation to the army and navy. They resolved they would give it no countenance and support. In the meantime the gentlemen did not trouble their heads upon that subject, but meant to exact and get their 500,000*l.* as they could. Restitution of the old Nawab. Sums of money exacted from him.

Here was a third revolution bought at this amazing sum; and this poor, miserable prince, dragged from Moorshedabad to Calcutta, dragged back from Calcutta to Moorshedabad, the sport of fortune and the plaything of avarice, this poor man is again set up and is left no authority—his troops limited—his person, everything, in a manner subdued— The Nawab deprived of all authority.

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* Revised copy.

16 FEB. 1788. a British Resident the master of his court. He is put up then as a pageant upon this throne, and left no kind of authority but what would be sufficient to give a countenance to presents, gifts and donations. That authority they always had when deprived of everything else. In that condition he was left.

This revolution one would have thought might have satisfied [these gentlemen]*—that the money that was got upon this would have been sufficient. No! the partisans of Cossim Ali Khan wanted another; the partisans of the other side wished to have something more done. Now they began to think that to depose him instantly and to sell him to another was much too much at that time; especially as Cossim Ali Khan was a man of vigour and resolution, carrying on a fierce war against them. But what do you think they did? They began to see, from the example of Cossim Ali Khan, that the lieutenancy, the ministry of the King, was a good thing to be sold, and the sale of that might turn out as good a thing as the sale of the Prince. There were two persons at that time of great consideration in Bengal; one a principal Mohammedan, called Mohammed Reza Khan, a man of great rank, much authority, great piety in his own religion, great learning in the law, of the very first class of rank of the Mohammedan nobility in the country. But at the same time, for all these considerations, he was dreaded, abhorred and feared, by the Nawab, who necessarily considered all such persons more intitled than himself and fitter for his seat. There was on the other side another man, known by the name of the Great Raja Nundcomar. This man was accounted the highest of his caste, and held the same rank among the Gentus that Mohammed Reza Khan did among the Mohammedans. The prince upon the throne had no jealousy of Nundcomar, because he knew that as a Gentu he could not aspire to the office of subahdar. For that reason, he was attached to him firmly, he might depend completely upon his services, and he was naturally against Mohammed Reza Khan and the whole world. Mohammed Reza Khan dreaded him; for he found there was a flaw in his own title, that if ever the question should come of the revival of the constitution of that empire he was a Saïd, as they call it in that country, that is to say, a descendant of Mohammed, who, though the only acknowledged nobility among Mussulmans, is by that means ex-

Sale of the lieutenancy.

Character of Mohammed Reza Khan.

Character of Nundcomar.

* Revised copy.

cluded by the known laws of the Mogul empire from being subahdar in any of the Mogul provinces. 16 Feb. 1788.

Immediately an auction was opened Mohammed Reza Khan bid largely; Nundcomar bid largely. But the preponderating merits of Reza Khan, and the subjection in which he was likely to keep the Nawab and make him fitter for their purpose, induced the Council to take his money, which amounted to about 200,000*l.*; but be it what it may it was a large sum of money. In consequence of which, they invested or attempted to invest Mohammed Reza Khan with the office of naib subah. As to Nundcomar, they fell upon him. He fought his battle as well as he could, opposing bribe to bribe, eagle to eagle; and as far as Mohammed Reza Khan bid on the one hand, Nundcomar bid on the other; but at length he was pushed to the wall. Some received his money; others refused, as he states, to receive it. And a deputation was sent to the miseral Nawab to tear Nundcomar, his only support, from his side, and to put Reza Khan in his place.

The office of naib subah sold to Mohammed Reza Khan.

Thus began a division that split the Company into factions: but the smaller faction undoubtedly adhered to Nundcomar. In this struggle, that miserable man Jaffier Ali Khan, clinging as to the last pillar of support to Nundcomar, trembling at Mohammed Reza Khan, died. Considering himself in the jaws of death he fell at once, and perished a miserable victim to all the revolutions, to all the successive changes and versatile politics at Calcutta. In this manner that gigantic frame of a man—for he was seven feet high—oppressed with losses and distresses, fell at that battery.

Death of the Nawab, Jaffier Ali Khan.

As soon as he fell, the same system continued. The succession was sold; and the oldest of the issue of Munny Begum—a harlot, of whom you will hear much hereafter—was chosen. The offspring of Munny Begum, clinging, as his father did, to Nundcomar, they tore Nundcomar from his side, and carried him down to Calcutta; where, having had the weakness in the first instance to become the first informer, he was the first to be made an example of; for he was afterwards hanged by those incorrupt judges, who were sent to India by Parliament to protect the natives from oppression.

The succession sold to the eldest son of Munny Begum.

His execution.

Mohammed Reza Khan was then acknowledged Nawab, the money paid, and this revolution completed, by which this new sale of the office of minister succeeded to the sale of that of Nawab. All these things shook the country;

Mohammed Reza Khan appointed Nawab.

Struggles of Cossim Ali

16 Feb. 1788.

Khan and exhaustion of the country.

and, as if that miserable, exhausted, country was to be cured by phlebotomy, Cossim Ali Khan was racking it below and the Company above. For Cossim Ali, after having been defeated by the great military genius of our country—for the Adamses, Monroes, and others of that period, I believe showed as much military skill and bravery as any men—fought every inch of his way, carrying out of the country three millions in money, jewels or effects, the exhaustions occasioned by his unheard-of exactions. He fought his way like a lion, turning his face to his pursuers. He still fought along his frontier, drawing along with him the subahdar of Oude. The Mogul entered into these wars, penetrating the lower provinces on one side, while Bulwant Sing, the Raja of Benares, entered them on another: and, after various changes of party and changes of fortune, that which began in the treachery of the civil service was redeemed by the hand of military merit. Many examples of the same sort have since been seen.

Lord Clive sent out to India by the Company.

But the Company, hearing of all these changes, hearing of such an incredible body of perfidy, knowing that there was a general market made of the country and of the Company, that the flame of war spread from province to province, that in proportion as it spread the flame kindled, and that the rapacity which originally gave rise to it was following it in all its progress,—the Company, my Lords, alarmed lest their very being should be destroyed, and finding themselves sinking by every victory they obtained, thought it necessary to come to some settlement. After having composed their differences with Lord Clive, they sent him out to that country about the year 1765,* in order by his name, credit, authority and weight, in that country, to rectify the innumerable abuses which prevailed in it, and particularly that abuse which is the fundamental one of the whole, the abuse of presents. For all these bribes, all these rewards, had not the name of conditions or stipulations, but of presents; they were gratuities given afterwards to the parties. They may give them what names they please, and your Lordships will think of them what you please, but they were the donations of misery to power, the gifts of wretchedness to the oppressors; and, consequently, left neither property nor security in permanence to any person in the country.

Abuse of presents to be rectified.

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* Lord Clive was sent out as Governor and Commander-in-chief, and arrived at Calcutta in May, 1765.

16 FEB. 1788.

Objects of Lord Clive's government, and success of his measures.

Lord Clive went out with new covenants. He went out to put an end to the practice of receiving presents. He himself had been a large receiver of them; yet, as it was in the moment of a revolution, the Company would hear no more of it. They sent him out to reform. Whether they chose well or ill does not signify: I think, upon the whole, they chose well; because his name, authority and weight, would do a great deal. They sent him out to reform the grievances of that country, with such amazing powers as no servant of the Company ever had before. My Lords, I would not be understood here, in my own character, much less in my delegated character, to stand up for any man in the totality of his conduct. I think that some of the measures which Lord Clive took were injudicious, and that some of them cannot be defended. But I do say that the plan which he laid down and the course which he pursued were in general great and well imagined; that he settled great foundations, if they had been adhered to. For he first took strong measures below to put an end to a great many of the abuses that prevailed in the country; and then he went up and did, for a military man, an act which will ever have great civil and political merit—he put a bound to the aspiring spirit of the Company—he limited its conquests, and prescribed bounds to its ambition. "Quiet," says he, "the minds of the country; and what you have obtained regulate within. Make it known to the country that you resolve to acquire no more." Accordingly he settled every prince that was concerned in a happy and easy settlement. He settled the subahdar of Oude, who had been driven from his dominions by the military arms and the great military merit of the British commander. He, with a generosity that astonished all Asia, reinstated this enemy of his country peaceably upon his throne; which did more towards quieting the minds of the people of Asia than any act that had been ever done by the English before. For the Mogul, the head of the Mussulman religion there, and likewise of the empire, a head honoured and esteemed even in its ruins, he obtained recognition by all the persons that were concerned. He got from him the diwani; which is the great, grand, period of the constitutional entrance of the Company into the affairs of India. He quieted the minds of the people. He gave to the settlement of Bengal a constitutional form and a legal right, acknowledged and recognised now for the first time

He reinstates the subahdar of Oude.

Procures the diwani of Bengal from the Mogul Emperor.

16 Feb. 1788. by all the princes of the country, because given by the charter of the sovereign. He took care of Bulwant Sing, the Raja of Benares, who had taken our part in the war. The Mogul had before granted us the superiority over Bulwant Sing, which the Company had ordered to be restored; and Lord Clive re-established Bulwant Sing in a secure, easy, quiet, independency. The rents that ought to be paid to the Wazir of the empire he gave to the wazirat. The country was secured to him; and he paid large sums for it at different times, amounting to about 150,000*l.*: for from the beginning of our connection with that part of the country we have been great gainers. Our allies and our enemies were quieted by the restitution of the Nawab of Oude; and all Asia was conciliated by our settlement with the King. That unhappy fugitive King, who was now deposed and wandering about, the sport of fortune, he settled in an honourable way, and with a decent share of regal dignity.

Intervention in behalf of the Raja of Benares, &c.

In this manner he settled all the powers of Hindustan with which we were concerned, and gave the country peace and form. He did not take for the Company the vice-royalty, as Mr. Holwell would have persuaded; but, to satisfy the prejudices of the Mohammedans, the country was nominally left in the hands of the subahdar, or viceroy, who was to administer the criminal justice and the exterior forms of royalty. The Company took the diwani, or stewardship, which gave them the whole management of the revenue, and made them appear not the oppressors but the protectors of the people. It had all the real power, without any invidious appearance of it. It gave them the revenue without the appearance of sovereignty. The Nawab had indeed fallen from any real and effective royalty or vice-royalty, and was stripped of the power of maintaining any troops, which we maintained for him by contract; yet the dignity of the court was maintained, and the prejudices of the Mohammedans, and particularly of their great nobility, who suffered more by this great revolution even than the old inhabitants of the country, were removed. For there was a revenue of 500,000*l.* which might provide for the great families. The Company likewise, in order to enjoy more securely their revenues, put them into the hands of Mohammed Reza Khan, whom Lord Clive found in the management of affairs, and did not displace; and he was now made deputy steward, as he had before been made lieutenant viceroy; and a British Resident was now

The state of the Nawab upheld.

established in Bengal. The Company exercised their powers through the natives; but the British Resident was the real controlling power. 16 Feb. 1788.

Grievances ensuing from misgovernment of Lord Clive's successors.

My Lords, the fault in this settlement—which makes another period in our history—was, that Lord Clive did not stay long enough in that country to give consistency to the settlement that he made: and the men that followed—though I believe one of them was one of the honestest men that ever served the Company, I mean Governor Verelst—had not weight enough to keep down and poise the country. Consequently many grievances arose; not such grievances as the sale and extirpation of a people; not such grievances as entirely subverting great and ancient families; not such grievances as changing instantly the settlements of the people; not the setting to farm the whole landed interest of a country—none of these; but certainly such grievances as made it necessary for the Company to send out a commission in 1769, composed of Mr. Vansittart, Mr. Ford and Mr. Scrafton. The unfortunate end of that commission is known to all the world*: but I mention it in order to state the grievances which then prevailed in India—to state that the great order they gave the supervisors, with a view to give a force to the service, was, that they should upon no account whatever take presents. As soon as that commission unfortunately perished—as every one knows they did, and also the manner of it—the Company was preparing to send out another commission for the rectification of these grievances. But Parliament thought it necessary to supersede that commission, to take the matter into their own hands, and to appoint another commission in a parliamentary way—of which Mr. Hastings was one—for the better government of that country. Mr. Hastings, on account of his local knowledge, on account of the number of friends he had here—for I am to mention to your Lordships that, soon after the deposition and restoration of Jaffier Ali Khan and before Lord Clive arrived in India, Mr. Hastings had returned to England, and here he stayed fortifying his interest—went out to India with great power indeed.

Prohibition by the Company of presents.

Commission appointed by Parliament for the government of India.

Mr. Hastings.

When this government was settled, Moorshedabad still continued the seat of the native government and of all the

* The commissioners sailed from England in the *Aurora* frigate, in the month of September; but the vessel, with all she bore, was lost through an unknown mischance, in her passage.

16 Feb. 1788. collections. Here the Company was not satisfied with putting a Resident at the durbar, which was the first step to our assuming the government in that country. These steps must be traced by your Lordships; for I should never have given you this trouble, if it was not necessary to possess you clearly of the several progressive steps by which the Company's government came to be established and to supersede the native. The next step that was made was the appointment of supervisors in every province, to oversee the native collector. The third was to establish a general council of revenue at Moorshedabad, to superintend the great steward, Mohammed Reza Khan. In 1772, that council by Mr. Hastings was overturned, and the whole revenue brought to Calcutta. Mohammed Reza Khan, by orders of the Company, was turned out of all his offices, and turned out for reasons and principles which your Lordships will hereafter see. And at last the diwani was entirely taken out of the native hands, and settled in the supreme Council and Presidency itself in Calcutta. And so it remained until the year 1781, when Mr. Hastings made another revolution, took it out of the hands of the Council, in which the orders of the Company, an act of Parliament and their own act, had vested it, and put it into a subordinate Council; that is, it was entirely vested in himself.

Council of revenue at Moorshedabad.

Changes in the supervision of the revenue.

Review of succession of revolutions.

Now your Lordships see the whole of the revolutions. I have stated them, I trust, with perspicuity; stated the grounds and principles upon which they were made; stated the abuses that grew upon them, and that every revolution produced its abuse. You saw the native government vanish away by degrees, until it is reduced to a situation fit for nothing but to become a private perquisite, as it has been, to Mr. Hastings, to be granted to whom he pleased. The English government succeeded. Mr. Hastings was appointed to it by an act of Parliament, having been appointed to the Presidency before, to reform abuses. And in those two periods of his Presidency and his appointment by act of Parliament were those crimes committed of which he now stands accused. All this history is merely by way of illustration. His crimination begins with his nomination to the Presidency, and his subsequent nomination by Parliament.

Periods of Mr. Hastings' criminality.

The troubled period between the year 1756 and the settlement made in the year 1774 being passed, Mr. Hastings having the government in his hands, we are to consider how he comported himself in it. My Lords, the first thing in considering the character of any Governor is to have some

Tests to judge of the character of a Governor.

test by which it may be tried. And we conceive here that when a British Governor is sent abroad, he is sent to pursue the good of the people as much as possible in the spirit of the laws of this country, which intend in all respects their conservation, their happiness and their prosperity. These are the principles upon which Mr. Hastings was bound to govern, and upon which he is to account for his conduct here. 16 Feb. 1788.

The rule upon which you are to try him is this—what should a British Governor in such a situation do, or forbear to do? If he has done and if he has forborne in the manner in which a British Governor ought to do and to forbear, he has done his duty, and he is honourably acquitted. He resorts to other principles and to other maxims; but this country will force him to be tried by its laws. The law of this country recognises that well-known crime called misconduct in office. It is a head of the law of England; and, so far as inferior courts are competent to try it, it may be tried there. Here your Lordships are competent to everything; and as you are competent in the power you are competent in the knowledge of the offence. And here I am bound to state to your Lordships, by the directions of those whose directions I am bound to follow, the principles upon which Mr. Hastings declares he has conducted his government; which principles he declares, first in several letters written to the East India Company, next in a paper of Defence delivered to the House of Commons explicitly, and more explicitly in his Defence before your Lordships.*

Principles of Mr. Hastings' government.

I am directed first to clear the way of all those grounds and principles upon which he frames his Defence; for, if those grounds are good and valid, they carry off a great deal at least, if not entirely, the foundation of our charge. My Lords, we contend that Mr. Hastings, as a British governor, ought to govern upon British principles, not by British forms. God forbid! for if ever there was a case in which the letter kills and the spirit gives life, it would be an attempt to introduce British forms and the substance of despotic principles together into any country. No! We call for that spirit of equity, that

* Mr. Hastings was heard at the bar of the House of Commons in his defence on the 1st and 2nd of May, 1786; the minutes of his Defence were delivered in by permission of the House, and they are printed at length in the Minutes of Evidence at the Trial, page 17. His answers to the several charges of the impeachment were read in the House of Lords on the 29th of November, 1787, and are printed in the journals of the house. Both sets of Articles, with the Defence, were published in a separate form; the former by Debrett, in 8vo. 1786; the latter by Murray and Stockdale, in 8vo. 1788.

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spirit of justice, that spirit of safety, that spirit of protection, that spirit of lenity, which ought to characterise every British subject in power; and upon these, and these principles only, he will be tried.

Plea of a variation of standard of morality.

But he has told your Lordships in his Defence, that actions in Asia do not bear the same moral qualities as the same actions would bear in Europe. My Lords, we positively deny that principle. I am authorised and called upon to deny it. And having stated at large what he means by saying that the same actions have not the same qualities in Asia and in Europe, we are to let your Lordships know that these gentlemen have formed a plan of geographical morality, by which the duties of men in public and in private situations are not to be governed by their relations to the great Governor of the universe, or by their relations to men, but by climates, degrees of longitude and latitude, parallels not of life but of latitudes; as if, when you have crossed the equinoctial line, all the virtues die, as they say some animals die when they cross the line; as if there were a kind of baptism, like that practised by seamen, by which they unbaptise themselves of all that they learned in Europe, and commence a new order and system of things.

This geographical morality we do protest against. Mr. Hastings shall not screen himself under it. And I hope and trust not a great many words will be necessary to satisfy your Lordships—but we think it necessary, in justification of ourselves, to declare—that the laws of morality are the same everywhere, and that there is no action which would pass for an action of extortion, of peculation, of bribery and of oppression, in England, that is not an act of extortion, of peculation, of bribery and oppression, in Europe, Asia, Africa, and all the world over. This I contend for, not in the forms of it, but I contend for it in the substance.

Mr. Hastings' plea that he was entrusted with arbitrary power.

Mr. Hastings comes before your Lordships not as a British Governor answering to a British tribunal, but as a subahdar, as a Pacha of three tails. He says:—"I had an arbitary power to exercise; I exercised it. Slaves I found the people; slaves they are. They are so by their constitution; and if they are, I did not make it for them. I was unfortunately bound to exercise this arbitrary power, and accordingly I did exercise it. It was disagreeable to me, but I did exercise it, and no other power can be exercised in that country." This, if it be true, is a plea in bar. But I trust and hope your Lordships will not judge by laws and institutions which

you do not know, against those laws and institutions which you do know, and under whose power and authority Mr. Hastings went out to India. Can your Lordships patiently hear what we have heard with indignation enough, and what, if there were nothing else, would call actions which are justified upon such principles to your Lordships' bar, that it may be known whether the Peers of England do not sympathise with the Commons in their detestation of such doctrine? Think of an English Governor tried before you as a British subject, and yet declaring that he governed upon the principles of arbitrary power! This plea is, that he did govern there upon arbitrary and despotic, and, as he supposes, Oriental principles. And as this plea is boldly avowed and maintained, and as, no doubt, all his conduct was perfectly correspondent to these principles, these principles and that conduct must be tried together. 16 Feb. 1788.

Instances of his avowal of the principle of arbitrary government.

If your Lordships will permit me, I will state one of the many places in which he has avowed these principles as the basis and foundation of all his conduct:—

"The sovereignty which they assumed, it fell to my lot, very unexpectedly, to exert; and whether or not such power or powers of that nature were delegated to me by any provisions of any act of Parliament, I confess myself too little of a lawyer to pronounce. I only know that the acceptance of the sovereignty of Benares, &c., is not acknowledged or admitted by any act of Parliament; and yet, by the particular interference of the majority of the council, the Company is clearly and indisputably seised of that sovereignty."

So that this gentleman, because he is not a lawyer, nor clothed with those robes which distinguish and well distinguish the learning of this country, is not to know anything of his duty; and whether he was bound by any, or what act of Parliament, is a thing he is not lawyer enough to know. Now, if your Lordships will suffer the laws to be broken by those that are not of the long robe, I am afraid those of the long robe will have none to punish but those of their own profession. Mr. Hastings, therefore, goes to a law which he knows better, that is, the law of arbitrary power and force, if it deserves to be called by any such name. "If, therefore," says he,—

"the sovereignty of Benares, as ceded to us by the Vizier, have any rights whatever annexed to it, and be not a mere empty word without meaning, those rights must be such as are held, countenanced and established, by the law, custom and usage, of the Mogul empire, and not by the provisions of any British act of Parliament hitherto enacted. Those rights, and none other, I have been the involuntary instrument of in-

16 Feb. 1788. forcing. And if any future act of Parliament shall positively, or by implication, tend to annihilate those very rights or their exertion, as I have exerted them, I much fear that the boasted sovereignty of Benares, which was held up as an acquisition almost obtruded upon the Company against my consent and opinion—for I acknowledge that even then I foresaw many difficulties and inconveniences in its future exercise—I fear, I say, that this sovereignty will be found a burden instead of a benefit, a heavy clog rather than a precious gem to its present possessors; I mean, unless the whole of our territory in that quarter shall be rounded and made an uniform compact body by one grand and systematic arrangement, such an arrangement as shall do away all the mischiefs, doubts and inconveniences, both to the governors and the governed, arising from the variety of tenures, rights and claims, in all cases, of landed property and feudal jurisdiction in India, from the informality, invalidity and instability, of all engagements in so divided and unsettled a state of society, and from the unavoidable anarchy and confusion of different laws, religions and prejudices, moral, civil and political, all jumbled together in one unnatural and discordant mass.

Every part of Hindustan has been constantly exposed to these and similar disadvantages ever since the Mohammedan conquests. The Hindus, who never incorporated with their conquerors, were kept in order only by the strong hand of power. The constant necessity of similar exertions would increase at once their energy and extent; so that rebellion itself is the parent and promoter of despotism. Sovereignty in India implies nothing else; for I know not how we can form an estimate of its powers but from its visible effects, and those are everywhere the same from Kabool to Assam. The whole history of Asia is nothing more than precedents to prove the invariable exercise of arbitrary power. To all this I strongly alluded in the minutes I delivered in council, when the treaty with the new Vizier was on foot in 1775; and I wished to make Cheit Sing independent, because in India dependence included a thousand evils, many of which I enumerated at that time, and they are entered in the ninth clause of the first section of this charge. I knew the powers with which an Indian sovereignty is armed, and the dangers to which tributaries are exposed. I knew that, from the history of Asia, and from the very nature of mankind, the subjects of a despotic empire are always vigilant for the moment to rebel, and the sovereign is ever jealous of rebellious intentions. A zemindar is an Indian subject, and, as such, exposed to the common lot of his fellows. 'The mean and depraved state of a mere zemindar' is therefore this very dependence above mentioned on a despotic government, this very proneness to shake off his allegiance, and this very exposure to continual danger from his sovereign's jealousy, which are consequent on the political state of Hindustanic governments. Bulwant Sing, if he had been, and Cheit Sing, as long as he was, a zemindar, stood exactly in this 'mean and depraved state' by the constitution of his country. I did not make it for him, but would have secured him from it. Those who made him a zemindar entailed upon him the consequences of so mean and depraved a tenure. Aliverdi Khan and Cossim Ali fined all their zemindars, on the necessities of war and on every pretence, either of court necessity or court extravagance."

Reflections on Mr. Hastings' principles of government.

My Lords, you have now heard the principles upon which Mr. Hastings governs the part of Asia subjected to the British empire. You have heard his opinion of "the mean

and depraved state" of those who are subject to it. You have heard his lecture upon arbitrary power, which he states to be the constitution of Asia. You hear the application that he makes of it; and you hear the practices which he employs to justify it, and who the persons were the authority of whose examples he professes to follow. Do your Lordships really think that the nation would bear, that any human creature would bear, to hear an English Governor defend himself upon such principles? For, if he can defend himself upon such principles, no man has any security for anything but by being totally independent of the British government. Here he has declared his opinion that he is a despotic prince, that he is to use arbitrary power; and of course all his acts are covered with that shield. "I know," says he, "the constitution of Asia only from its practices." Will your Lordships ever bear the corrupt practices of mankind made the principles of government? It will be your pride and glory to teach men that they are to conform their practices to principles, and not to draw their principles from the corrupt practices of any man whatever. Was there ever heard, or could it be conceived, that a man would dare to mention the practices of all the villains, all the mad usurpers, all the thieves and robbers, in Asia, that he should gather them all up, and form the whole mass of abuses into one code, and call it the duty of a British Governor? I believe that till this time so audacious a thing was never attempted by mankind. 16 FEB. 1788.

He have arbitrary power! My Lords, the East India Company have not arbitrary power to give him; the King has no arbitrary power to give him; your Lordships have not; nor the Commons; nor the whole legislature. We have no arbitrary power to give, because arbitrary power is a thing which neither any man can hold nor any man can give away. No man can govern himself by his own will, much less can he be governed by the will of others. We are all born in subjection, all born equally, high and low, governors and governed, in subjection to one great, immutable, pre-existent, law, prior to all our devices and prior to all our contrivances, paramount to our very being itself, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir. Impossibility of arbitrary power. Law of subjection.

This great law does not arise from our conventions or compacts; on the contrary, it gives to our conventions and compacts all the force and sanction they can have; it does

16 FEB. 1788. not arise from our vain institutions. Every good gift is of God, all power is of God; and He who has given the power and from whom it alone originates, will never suffer the exercise of it to be practised upon any less solid foundation than the power itself. Therefore, will it be imagined, if this be true, that He will suffer this great gift of government, the greatest, the best, that was ever given by God to mankind, to be the plaything and the sport of the feeble will of a man, who, by a blasphemous, absurd and petulant, usurpation, would place his own feeble, contemptible, ridiculous, will in the place of the Divine wisdom and justice? No, my Lords. It is not to be had by conquest; for by conquest, which is a more immediate designation of the hand of God, the conqueror only succeeds to all the painful duties and subordination to the power of God which belonged to the sovereign that held the country before. He cannot have it by succession; for no man can succeed to fraud, rapine and violence; neither by compact, covenant or submission, nor by any other means, can arbitrary power be conveyed to any man. Those who give and those who receive arbitrary power are alike criminal, and there is no man but is bound to resist it to the best of his power, wherever it shall show its face to the world. Nothing but absolute impotence can justify men in not resisting it to the best of their power.

Exercise of arbitrary power criminal.

Law and arbitrary power are at eternal enmity. Name me a magistrate, and I will name property; name me power, and I will name protection. It is a contradiction in terms, it is blasphemy in religion, it is wickedness in politics, to say that any man can have arbitrary power. Judges are guided and governed by the eternal laws of justice, to which we are all subject. We may bite our chains if we will, but we shall be made to know ourselves, and be taught that man is born to be governed by law; and he that will substitute will in the place of it is an enemy to God.

Exemption of supreme power from penal prosecution.

This idea of arbitrary power has arisen from a gross confusion and perversion of ideas, which your Lordships well know how to distinguish and to separate. It does so happen, by the necessity of the case, that the supreme power in every country is not legally and in any ordinary way subject to a penal prosecution for any of its actions: it is unaccountable. And it is not merely so in this country or that country, but in all countries. The King in this country is undoubtedly unaccountable for his actions. The House of Lords, if it should ever exercise—God forbid I should suspect it would

ever do what it has never done!—but if it should ever abuse its judicial power, and give such a judgment as it ought not, whether from fear of popular clamour on the one hand, or predilection to the prisoner on the other, if they should abuse their judgments, there is no calling them to an account for it. And so, if the Commons should abuse their power, nay, if they should have been so greatly delinquent as not to have prosecuted this offender, they could not be accountable for it. There is no punishing them for their acts, because they exercise a part of the supreme power. But are they less criminal, less rebellious against the Divine Majesty? Are they less hateful to man, whose opinions they ought to cultivate as far as they are just? No! Till society fall into a state of dissolution, they cannot be accountable for their acts. But it is from confounding the unaccountable character, inherent to the supreme power, with arbitrary power, that all this confusion of ideas has arisen. 16 Feb. 1788.

Further arguments against arbitrary power.

If, my Lords, you were to suppose an arbitrary power, which I deny totally—and your Lordships will be the first and proudest to deny it, when absolute supreme dominion was never given nor conferred and delegated from you—but if you suppose such a thing, I will venture to say that an intermediate arbitrary power, where the people below are subject to its possessor, but he is irresponsible to the power above, is a monster that never existed except in the wild imagination of some theorist. It cannot be, because it is a perversion of the principle that that power which is given for the protection of the people below should be responsible to the power above. It is to suppose that the people shall have no laws with regard to him, yet, when he comes to be tried, he shall claim the security of those laws that are made to secure the people from his violence; that he shall claim a fair trial, an equitable hearing, every advantage of counsel—God forbid he should not have them!—yet that the people under him shall have none of those advantages.

Governments of Asia not arbitrary.

My Lords, I will venture to say of the governments of Asia that none of them ever had an arbitrary power; and if any government had an arbitrary power they cannot delegate it to any persons under them; that is, they cannot so delegate it as not to leave them accountable upon the principles upon which it was given. As this is a contradiction in terms, a gross absurdity as well as a monstrous wickedness, let me say, for the honour of human nature, that although undoubtedly, we may speak it with pride of England,

6 Feb. 1788. we have better institutions for the preservation of the rights of men than any other country in the world, yet I will venture to say that no country has wholly meant, or ever meant, to give up this power.

I am to speak of Oriental governments, and I do insist upon it that Oriental governments know nothing of this arbitrary power. I have taken as much pains as I can to examine into the constitutions of them. I have been endeavouring to inform myself at all times to a certain degree; of late my duty has led me to a more minute inspection of them; and I do challenge the whole race of man to show me any of the Oriental governors claiming to themselves a right to act by arbitrary will.

Mohammedan government restrained by law.

My Lords, the greatest part of Asia is under Mohammedan governments. To name a Mohammedan government is to name a government by law. It is a law enforced by stronger sanctions than any law that can bind an European sovereign, exclusive of the Grand Seignior. The law is given by God, and it has the double sanction of law and of religion, with which the prince is no more to dispense than anyone else. And, if any man will produce the Kuran to me, and will but show me one text in it that authorises in any degree an arbitrary power in the government, I will declare that I have read that book and been conversant in the affairs of Asia to a degree in vain. There is not such a syllable in it; but, on the contrary, against oppressors by name every letter of that law is fulminated. There are interpreters to explain that law; I mean that great priesthood established throughout all Asia, whom they call men of the law. These men are conservators of the law; and, to enable them to preserve it to perfection, they are secured from the resentment of the sovereign; for he cannot touch them. A man of the law is secured and indemnified against the sovereign, acting, executive, power.

Arbitrary power not authorised by the Kuran.

Government of the Emperor of the Turks.

My Lords, to bring this point a little nearer home, since we are challenged thus, since we are led into Asia, since we are called upon to make out our case on the principles of the governments there rather than of those here—which I trust your Lordships will oblige Mr. Hastings finally to be governed by, puffed up as he is with the insolence of Asia—the nearest to us of the governments he appeals to is the government of the Grand Seignior, the Emperor of the Turks. He an arbitrary power! Why he has not the supreme power of his country. Every one knows that the Grand

Seignior is exalted high in titles, as our prerogative lawyers exalt an abstract sovereign, and they cannot exalt him too high in our books; but I say he misses the first character of sovereign power—he cannot lay a tax upon his people. The next part in which he misses of a sovereign power is, that he cannot dispose of the life, of the property or of the liberty, of any of his subjects, but by what is called the fatwa, or sentence of the law. He cannot declare peace or war without the same sentence of the law; so much is he, more than European sovereigns, a subject of strict law, that he cannot declare war or peace without it. Then, if he can neither touch life nor property, if he cannot lay a tax upon his subjects, or declare peace or war, I leave it to your Lordships to say whether he can be called, according to the principles of that constitution, an arbitrary power. A Turkish sovereign, if he should be judged by the body of that law to have acted against its principles—unless he happens to be secured by a faction of the soldiery—is liable to be deposed upon the sentence of that law; and his successor comes in under the strict limitations of the ancient law of that country. Neither can he hold his place, dispose of his succession, or take any one step whatever, without being bound by law. So far, I say, when gentlemen talk of the affairs of Asia, as to the nearest of Asiatic sovereigns; and he is more Asiatic than European. He is a Mohammedan sovereign; and no Mohammedan is born who can exercise any arbitrary power at all agreeably to their constitution: and that magistrate who is the greatest executive power among them is the person who is by the constitution of the country the most fettered by law.

16 Feb. 1788.

Corruption of government in Asia.

Corruption is the true cause of the loss of all the benefits of the constitution of that country. The practice of Asia, as the gentleman at your bar has thought fit to say, is what he holds to; the constitution he flies away from. Undoubtedly much blood, murder, false imprisonment, much peculation, cruelty and robbery, are to be found in Asia; and if, instead of going to the sacred laws of the country, Mr. Hastings chooses to go to the iniquitous practices of it, and practices authorised only by public tumult, contention, war and riot, he will find as clear an acquittal in the practices as he would find condemnation in the institutions. But if he disputes, as he does, the authority of an act of Parliament, let him state to me that law to which he means to be subject, or any law which he knows that will justify his actions. I am not authorised to say that I shall, even in that case,

Mr. Hastings' actions not justified by any law.

16 Feb. 1788. give up what is not in me to give up; because I represent an authority of which I must stand in awe; but, for myself, I shall confess that I am brought to public shame and am not fit to manage the great interests committed to my charge before your Lordships. I therefore say of that government which we best know, which has been constituted more in obedience to the laws of Mohammed than any other, that the sovereign cannot, agreeably to that constitution, exercise any arbitrary power whatever.

Plea of the sanction of arbitrary power by the constitution of India.

The next point for us to consider is, whether or no the constitution of India authorises that power. The gentleman at your Lordships' bar has thought proper to say that it will be happy for India [the inhabitants of Asia]—though soon after he tells you it is a happiness they can never enjoy—"when the despotic institutes of Genghis Khan, or Tamerlane, shall give place to the liberal spirit of a British legislature; and," says he, "I shall be amply satisfied in my present prosecution, if it shall tend to hasten the approach of an event so beneficial to the great interests of mankind."* My Lords, you have seen what he says about an act of Parliament. Do not you now think it rather an extraordinary thing that any British subject should, in vindication of the authority which he has exercised, quote here the names and institutes, as he calls them, of those men who were the scourges of mankind—whose power was a power which they held by great [brute?] force?

Institutes of Genghis Khan.

As to the institutes of Genghis Khan, which he calls institutes, I never saw them. If he has that book he will oblige the public by producing it. I have seen a book existing called Yassa† of Genghis Khan; the other I never saw. If there be any part of it to justify arbitrary power, he will produce it. But if we may judge by those ten precepts of Genghis Khan that we have, there is not a shadow of arbitrary power to be found in any one of them. Institutes of arbitrary power! Why if there is arbitrary power there can be no institutes. This unknown book of Genghis Khan, which Mr. Hastings says contains arbitrary institutes, I have not

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* "The Minutes of what was offered by Warren Hastings, Esquire, at the Bar of the House of Commons, upon the matter of the several Charges of High Crimes and Misdemeanours presented against him in the year 1786."—Printed for Debrett, 8vo., 1788, p. 97.

† Fragments of the Code of Genghis Khan are printed, in Persian, with a French translation by M. Langlés, in the "Notices et Extraits des Manuscrits de la Bibliothèque du Roi," vol. v., p. 205.

yet seen; but it seems to be one of the books which he quotes and approves. 16 Feb. 1788.

Eulogy of the institutes of Tamerlane.

With regard to the institutes of Tamerlane, here they are in their original, and here is a translation. I have carefully read every part of those institutes; and if any one shows me one word in them in which the prince claims in himself arbitrary power, I shall for my own part confess I have brought myself to great shame. There is no book in the world, I believe, which contains nobler, more just, more manly, more pious, principles of government than this book called the Institutes of Tamerlane: nor is there one word of arbitrary power in it, much less of that arbitrary power which Mr. Hastings supposed himself justified by; namely, a delegated, subordinate, arbitrary power. So far are those great princes from permitting this gross, violent, arbitrary, power, that I will venture to say the chief thing by which they have recommended themselves to posterity was a most direct declaration of all the wrath, indignation and powers, of the government against it.

Recital of the institutes of Tamerlane.

This, my Lords, is a legacy left to posterity by the great Emperor Tamerlane*:—

"Be it known to my fortunate sons, the conquerors of kingdoms, to my mighty descendants, the lords of the earth, that, since I have hope in Almighty God, that many of my children, descendants and posterity, shall sit upon the throne of power and regal authority; upon this account, having established laws and regulations for the well-governing of my dominions, I have collected together those regulations and laws as a model for others; to the end that every one of my children, descendants and posterity, acting agreeably thereto, my power and empire, which I acquired through hardships, and difficulties, and perils, and bloodshed, by the Divine favour, and by the influence of the holy religion of Mahummud (God's peace be upon him!), and with the assistance of the powerful descendants and illustrious followers of that prophet, may be by them preserved. And let them make these regulations the rule of their conduct in the affairs of their empire, that the fortune and the power which shall descend from me to them may be safe from discord and dissolution. Now therefore be it known to my sons, the fortunate and the illustrious, to my descendants, the mighty subduers of kingdoms, that in like manner as I by twelve maxims, which I established as the rule of my conduct, attained to regal dignity, and with the assistance of these maxims conquered and governed kingdoms, and decorated and adorned the throne of my empire, let them also act according to these regulations, and preserve

* The institutes of Tamerlane had been printed, in an English version, a few years before the period of the trial, under the following title:—"Institutes, Political and Military, written originally in the Mogul Language by the great Timur; first translated into Persian by Abou-Taulib-Al-Husseini; and thence into English by Major Davy; with the original Persian."—Oxford, Clarendon Press, 1783, 4to. The quotation is from the second book, p. 157.

16 FEB. 1788. the splendour of mine and their dominions. And, among the rules which I established for the support of my glory and empire, the first was this—that I promoted the worship of Almighty God, and propagated the religion of the sacred Mahummud throughout the world; and at all times and in all places, supported the true faith.

Recital of the institutes of Tamerlane —*cont.*

"Secondly; with the people of the twelve classes and tribes I conquered and governed kingdoms, and with them I strengthened the pillars of my fortune, and from them I formed my assembly.

"Thirdly; by consultation, and deliberation, and provident measures, by caution and by vigilance, I vanquished armies, and I reduced kingdoms to my authority. And I carried on the business of my empire by complying with times and occasions, and by generosity, and by patience, and by policy; and I acted with courteousness towards my friends and towards my enemies.

"Fourthly; by order and by discipline I regulated the concerns of my government; and by discipline and by order I so firmly established my authority, that the ameers and the viziers, and the soldiers, and the subjects, could not aspire beyond their respective degrees, and every one of them was the keeper of his own station.

"Fifthly; I gave encouragement to my ameers, and to my soldiers, and with money and with jewels I made them glad of heart; and I permitted them to come into the banquet; and in the field of blood they hazarded their lives. And I withheld not from them my gold nor my silver. And I educated and trained them to arms. And to alleviate their sufferings I myself shared in their labours and in their hardships, until with the arm of fortitude and resolution, and with the unanimity of my chiefs, and my generals, and my warriors, by the edge of the sword I obtained possession of the thrones of seven and twenty Kings; and became the King and the ruler of the kingdoms of Eraun, and of Tooraun; and of Room, and of Mughrib, and of Shaum; and of Missur, and of Erauk-a-Arrub, and of Ajjum; and of Mauzinduraun, and of Kylaunaut; and of Shurvaunaut, and of Azzurbauejaun; and of Fauris, and of Khorausaun; and of the Dusht of Jitteh, and the Dusht of Kipchauk; and of Khauruzm, and of Khuttun, and of Kauboolistaun; and of Hindostaun, and of Bauktur Zemeen. And when I cloathed myself in the robe of empire, I shut my eyes to safety, and to the repose which is found on the bed of ease. And from the twelfth year of my age I travelled over countries and combated difficulties, and formed enterprises and vanquished armies; and experienced mutinies amongst my officers and my soldiers, and was familiarised to the language of disobedience; and I opposed them with policy and with fortitude, and I hazarded my person in the hour of danger, until in the end I vanquished kingdoms and empires, and established the glory of my name.

"Sixthly; by justice and equity I gained the affections of the people of God; and I extended my clemency to the guilty as well as to the innocent; and I passed that sentence which truth required; and by benevolence I gained a place in the hearts of men; and by rewards and punishments I kept both my troops and my subjects divided between hope and fear. And I compassionated the lower ranks of my people, and those who were distressed. And I gave gifts to the soldiers. And I delivered the oppressed from the hand of the oppressor; and after proof of the oppression, whether on the property or the person, the decision which I passed between them was agreeable to the sacred law. And I did not cause any one person to suffer for the guilt of another. Those who had done me injuries, who had attacked my person in battle,

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Recital of the institutes of Tamerlane —*cont.*

and had counteracted my schemes and enterprises, when they threw themselves on my mercy, I received them with kindness; I conferred on them additional honours, and I drew the pen of oblivion over their evil actions; and I treated them in such sort, that, if suspicion remained in their hearts, it was plucked out entirely.

"Seventhly; I selected out, and treated with esteem and veneration, the posterity of the Prophet, and the theologians, and the teachers of the true faith, and the philosophers, and the historians. And I loved men of courage and valour; for God Almighty loveth the brave. And I associated with good and learned men; and I gained their affections, and I entreated their support, and I sought success from their holy prayers. And I loved the dervishes and the poor; and I oppressed them not; neither did I exclude them from my favour. And I permitted not the evil and the malevolent to enter into my council; and I acted not by their advice; and I listened not to their insinuations to the prejudice of others.

"Eighthly; I acted with resolution; and on whatever undertaking I resolved, I made that undertaking the only object of my attention; and I withdrew not my hand from that enterprise until I had brought it to a conclusion. And I acted according to that which I said. And I dealt not with severity towards any one; and I was not oppressive in any of my actions; that God Almighty might not deal severely towards me, nor render my own actions oppressive unto me. And I inquired of learned men into the laws and regulations of ancient princes, from the days of Adam to those of the Prophet, and from the days of the Prophet down to this time. And I weighed their institutions, and their actions, and their opinions, one by one; and from their approved manners, and their good qualities, I selected models. And I inquired into the causes of the subversion of their power; and I shunned those actions which tend to the destruction and overthrow of regal authority. And from cruelty and from oppression, which are the destroyers of posterity, and the bringers of famine and of plagues, I found it was good to abstain.

"Ninthly; the situation of my people was known unto me; and those who were great among them I considered as my brethren; and I regarded the poor as my children. And I made myself acquainted with the tempers and the dispositions of the people of every country, and of every city. And I contracted intimacies with the citizens, and the chiefs, and the nobles; and I appointed over them governors adapted to their manners, and their dispositions, and their wishes. And I knew the circumstances of the inhabitants of every province. And in every kingdom I appointed writers of intelligence, men of truth and integrity, that they might send me information of the conduct, and the behaviour, and the actions, and the manners, of the troops and of the inhabitants, and of every occurrence that might come to pass amongst them. And if I discovered aught contrary to their information, I inflicted punishment on the intelligencer. And every circumstance of cruelty and oppression in the governors, and in the troops, and in the inhabitants, which reached my ears, I chastised agreeably to justice and equity.

"Tenthly; whatever tribe, and whatever horde, whether Toork, or Taucheek, or Arrub, or Ajjum, came in unto me, I received their chiefs with distinction and respect, and their followers I honoured according to their degrees and their stations; and to the good among them I did good, and the evil I delivered over to their evil actions. And whoever attached himself unto me, I forgot not the merit of his attachment, and I acted towards him with kindness and generosity; and whoever had rendered me

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Recital of the institutes of Tamerlane —*cont.*

services, I repaid the value of those services unto him. And whoever had been my enemy, and was ashamed thereof, and flying to me for protection humbled himself before me, I forgot his enmity, and I purchased him with liberality and kindness. In such manner Share Behraum, the chief of a tribe, was along with me. And he left me in the hour of action; and he united with the enemy, and he drew forth his sword against me. And at length my salt, which he had eaten, seized upon him; and he again fled to me for refuge, and humbled himself before me. As he was a man of illustrious descent, and of bravery, and of experience, I covered my eyes from his evil actions; and I magnified him, and I exalted him to a superior rank, and I pardoned his disloyalty in consideration of his valour.

"Eleventhly; my children, and my relations, and my associates, and my neighbours, and such as had been connected with me, all these I distinguished in the days of my fortune and prosperity, and I paid unto them their due. And with respect to my family, I rent not asunder the bands of consanguinity and mercy; and I issued not commands to slay them or to bind them with chains. And I dealt with every man, whatever the judgment I had formed of him, according to my own opinion of bis worth. As I had seen much of prosperity and adversity, and had acquired knowledge and experience, I conducted myself with caution and with policy towards my friends, and towards my enemies.

"Twelfthly; soldiers, whether associates or adversaries, I held in esteem; those who sell their permanent happiness to perishable honour, and throw themselves into the field of slaughter and battle, and hazard their lives in the hour of danger. And the man who drew his sword on the side of my enemy, and committed hostilities against me, and preserved his fidelity to his master, him I greatly honoured. And when such a man came unto me, knowing his worth, I classed him with my faithful associates, and I respected and valued his fidelity and his attachment. And the soldier who forgot his duty and his honour, and in the hour of action turned his face from his master and came in unto me, I considered as the most detestable of men. And, in the war between Touktummish Khaun, his ameers forgot their duty to Touktummish, who was their master and my foe, and sent proposals and wrote letters to me, and I uttered execrations upon them, because, unmindful of that which they owed to their lord, they had thrown aside their honour and their duty, and came in unto me. I said unto myself, What fidelity have they observed to their liege lord? What fidelity will they show unto me? And behold it was known unto me by experience that every empire which is not established in morality and religion, nor strengthened by regulations and laws, from that empire all order, grandeur and power, shall pass away. And that empire may be likened unto a naked man, who, when exposed to view, commandeth the eye of modesty to be covered; and it is like unto a house which hath neither roof, nor gates, nor defences, into which whoever willeth may enter unmolested. Therefore I established the foundation of my empire on the morality and the religion of Islaum; and by regulations and laws I gave it stability. And by laws and by regulations I executed every business, and every transaction that came before me in the course of my government."

My Lords, I need not read any further, or I might show your Lordships the noble principles, the grand, bold and manly, maxims, the resolution to abstain from oppression

himself and to crush it in every governor, which are to be found in this book, which Mr. Hastings has thought proper to resort to as containing what he calls arbitrary principles. 16 Feb. 1788.

But it is not here only that I must do justice to the East. I assert that their morality is equal to ours as regards the morality of governors, fathers, superiors; and I challenge the world to show, in any modern European book, more true morality and wisdom than is to be found in the writings of Asiatic men in high trusts, and who have been counsellors to princes. This is to be set against that geographical morality to which I have referred. Morality of governors in the East.

My Lords, I have here a matter of fact, attested by a traveller of power and consequence, which is very material at this point; for it shows that, in almost all the instances in which the princes of the country have used any of those cruel and barbarous executions which make us execrate them, it has been upon governors who have abused their trust; and that this very Oriental authority to which Mr. Hastings appeals would have condemned him to dreadful punishment. I thank God, and I say it from my heart, that even for his enormous offences there neither is, nor can be, anything like such punishments. God forbid that we should not as much detest out of the way, mad, furious and unequal, punishments, as we detest enormous and abominable crimes! Because a severe punishment for a crime of a light nature is as bad and iniquitous as the crime which it pretends to punish. As the instances to which I refer are so curious, and as they go to the principles of Mr. Hastings' Defence, I shall beg to mention them. Punishment of faithless governors.

The first is the case of a governor who did what Mr. Hastings says he has a power delegated to him to do; he levied a tax without the consent of his master:— Instances referred to.

"Some years after my departure from Com" (says Tavernier*) "the governor had, of his own accord, and without any communication with the King, laid a small impost upon every pannier of fruit brought into the city, for the purpose of making some necessary reparations in the walls and bridges of the town. It was towards the end of the year 1632 that the event I am going to relate happened. The King, being informed

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* "Voyages en Turquie, en Perse, et aux Indes," de Bernier Jean Baptiste Tavernier: translated into English by J. P[hillips], under the title "A Collection of the Travels of other great Men through Turkey into Persia and the East Indies, for the space of Forty Years; with his relation of the Kingdom of Turkey." London, 2 vols. folio, 1684. Book I., chap. 6, p. 30.

16 Feb. 1788. of the impost which the governor had laid upon the fruit, ordered him to be brought in chains to court. The King ordered him to be exposed to the people at one of the gates of the palace; then he commanded the son to pluck off the mustachios of his father, to cut off his nose and ears, to put out his eyes, and then to cut off his head. The King then told the son to go and take possession of the government of his father; saying, 'See that you govern better than this deceased dog, or thy doom shall be a death more exquisitely tormenting.'"

My Lords, you are struck with horror, I am struck with horror, at this punishment. I do not relate it to approve of such barbarous punishment; but to prove to your Lordships that, whatever power the princes of that country have, they are jealous of it to such a degree that if any of their governors should levy a tax, even the most insignificant and for the best purposes, he meets with a cruel punishment. I do not justify the punishment; but the greatness of it shows how little of their power the princes of that country mean to delegate to their servants, which the gentleman at your bar says is delegated to him.

There is another case, a very strong one, and that is the case of presents, which I understand is a custom admitted throughout Asia in all their governments. It was of a person who was raised to a high office. No business was suffered to come before him without a previous present:—

"One morning, the King being at this time on a hunting party, the Nazar came to the tent of the King, but was denied entrance by the meter or master of the wardrobe. About the same time the King came forth, and seeing the Nazar, commanded his officers to take off the bonnet from the head of that dog that took gifts from his people; and that he should sit three days bareheaded in the heat of the sun, and as many nights in the air. Afterwards he caused him to be chained about the neck and arms, and condemned him to perpetual imprisonment, with a mamoudy a day for his maintenance; but he died for grief within eight days after he was put in prison."*

Punishment of the practice of receiving presents in Asia.

Do I mean, in reading this to your Lordships, to approve either of the cruelty of the punishment or the coarse barbarism of the language? Neither one nor the other. I produce it to your Lordships to prove to you, even from this example, the horror which that government feels when any person subject to it shall assume to himself to receive presents. The cruelty and severity of these cases is not levelled at the poor, unfortunate, people who complain at their gates, but, to use their barbarous expressions, to dogs that

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* Tavernier's "Travels through Turkey into Persia, &c."—Book V., chap. 5, p. 210.

take presents. God forbid I should use that language! The people, when they complain, are not called dogs and sent away, but the governors, who take presents of the people, they are called dogs, and treated in that cruel manner. I quote this case to show that no governors in the East, upon any principle of their constitution, or any good practice of their government, can receive presents. And when they escape, it is by bribery, by corruption, by forming for themselves factions in the seraglio, in the country, in the army, in the divan. But how they escape such punishments is not my business. It is enough for me that the constitution disavows them, that the princes of the country disavow them, that they treat them with the most horrible expressions and dreadful punishments when they are called to answer for these things.

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Thus much concerning the laws of Asia. That the people of Asia have no laws, rights or liberties, is a doctrine that is to be disseminated wickedly through this country. But every Mohammedan government, as I before stated, is, by its principles, a government of law. I shall now state that it does not and cannot, from what is known of the government of India, delegate (as Mr. Hastings has frequently declared) the whole of its powers and authority to him. If the governments are absolute, as they must be, in the supreme power—they ought to be arbitrary in none—they were, however, never absolute in any of their subordinate parts; and I will prove it by the known provincial constitutions of Hindustan, which show that their power is never delegated; by the proof that they are all descended of Mohammedans, under a law as clear, as explicit and as learned, as ours.

Provincial constitutions of Hindustan.

The first foundation of their law is the Kuran. The next part is the fatwa, or adjudged cases by proper authority, well known there. The next is the written interpretation of the principles of jurisprudence; and their books are as numerous upon the principles of jurisprudence as in any country in Europe. The next part of their law is what they call the kanun, which is equivalent to acts of Parliament, being the law of the several powers of the country, taken from the Greek word *κανων*, which was brought into their country, and it is well known. The next is the rawaj-ul-mulk, the common law or custom of the kingdom, equivalent to our common law. Therefore they have laws from more sources than we have, exactly in the same

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order, grounded upon the same authority, fundamentally fixed to be administered to the people upon these principles.

Power distributed.

The next thing to show is, that, having this law, they have sub-delegated their power by parcels, and have not delegated the whole of it to any one man, who therefore cannot exercise it. In every province, the first person is the subahdar or viceroy. He has the military power, and the administration of criminal justice only. Then there is the diwan or high steward. He has the revenue and all exchequer causes under him, to be governed according to the laws and customs and institutions of the kingdom.

The law of inheritances, successions, and everything that relates to them, is under the kazi, who judges in his court. But there is another sub-division; that is to say, the kazi cannot judge without having two muftis along with him. And though there is no appeal, properly, in the Mohammedan law, yet if they do not agree with him the cause is removed; it is transferred to the general assembly, that is, the whole legal body united, consisting of all the men of law in the kingdom. There are also, I will venture to say, other divisions and sub-divisions; for there are the kanungoes in the country, who hold their places for life, to be the conservators of the canons, customs and good usages, in the country. All these, as well as the kazi and the mufti, hold their places and situations, not during the wanton pleasure of the prince, but upon permanent and fixed terms for life.

No precedent for arbitrary power in any governments.

These powers of magistracy, revenue and law, are all different, and consequently are not delegated in the whole to any one. I say therefore that Mr. Hastings has no refuge there. Let him run from law to law; let him fly from the common law, and the sacred institutions of the country in which he was born; let him fly from acts of Parliament, from which his power originated; let him plead his ignorance of them or fly in the face of them. Will he fly to the Mohammedan law? That condemns him. Will he fly to the high magistracy of Asia to defend the taking of presents? The Padshah* and the Sultan would condemn him to a cruel death. Will he fly to the Sophis, to the laws of Persia, or to the practice of those monarchs? Oh! I cannot say the unutterable things that would happen to him if he was to govern there. Let him fly where he will, from law to law;—law, thank God, meets him everywhere; and the practice of

* The king.

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the most impious tyrants which he quotes cannot justify his conduct. I would as willingly have him tried upon the law of the Kuran, or the institutes of Tamerlane, as upon the common law or the statute law of this kingdom.

Arbitrary power not sanctioned by Gentu law.

My Lords, the next question is, whether the Gentu laws justify arbitrary power; and if Mr. Hastings finds any sanctuary there, he shall take sanctuary with the cow in the pagoda. The Gentus have a law, accurately written, positively proscribing in magistrates any idea of will; a law with which, or rather with extracts of which, that gentleman has himself furnished us. These people are governed, not by the arbitrary power of any one, but by laws and institutions in which there is the substance of a whole body of equity, diversified by the manners and customs of the people, but having in it that which makes law good for anything, a substantial body of equity and great principles of jurisprudence, both civil and criminal. I am ready to say that there are very few books, if we were to take them by a small body of extracts, that would exceed that book. I have given your Lordships some instances of Tamerlane's mode of proceeding; but everything that Mr. Hastings has done, I believe, would be as severely punished as it is directly proscribed by the law of Tamerlane. In short, follow him where you will; let him have eastern or western law; you find everywhere arbitrary power and peculation of governors proscribed and horribly punished—more so than I should ever wish to punish any human creature. If this then is the case, as I hope and trust it will be proved to your Lordships—that there is law in these countries, that there is no delegation of power which exempts a governor from the law—then, I say, at any rate a British governor is to answer for his conduct, and cannot be justified by wicked examples and bad practices.

Mr. Hastings' plea that he was left to govern by his own practice.

Another thing that Mr. Hastings says is, that he was left to himself to govern himself by his own practice; that is to say, when he had taken one bribe he might take another; when he had robbed one man of his property, he might rob another; when he had imprisoned one man arbitrarily and extorted money from him, he might do so by another. He resorts at first to the practice of barbarians and usurpers, at last he comes to his own. Now if your Lordships will try him upon those maxims and principles, he is clear; for there is no manner of doubt that there is nothing he has practised

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His plea of ignorance.

But, my Lords, he has given another softening to this business. He says, and with a kind of triumph, that the ministry of this country have great legal assistance; the lights of the commerce of the greatest commercial city in the world; the greatest generals and officers to guide and direct them in military affairs; "whereas I, poor man, was sent almost a schoolboy from England, or at least little better, to find my way in that new world as well as I could."

Such a declaration would in some measure suit persons who had acted much otherwise than Mr. Hastings. When a man pleads ignorance in justification of his conduct, it ought to be an humble, modest, unpresuming, ignorance; an ignorance which may have made him lax and timid in the exercise of his duty; but a bold, presuming, dogmatic, ferocious, active, ignorance is itself a crime; and the ignorance upon which it is founded aggravates the crime. Mr. Hastings, if by ignorance he left some of the Directors' orders unexecuted because he did not understand them, might well say, I was an ignorant man, and these things were above my capacity. But when he understands them, and when he declares he will not obey them, positively and dogmatically; when he says, as he has said, and we shall prove it, that he never succeeds better than when he acts in an utter defiance of those orders; I believe this will not be thought the language of an ignorant man. But I beg your Lordships' pardon; it is the language of an ignorant man; for no man who was not full of a bold, determined, wicked, ignorance, could ever think of such a system of defence. He quitted Westminster school almost a boy. We have reason to regret that he did not finish his education in that seminary which has given so many lights to the church and ornaments to the state. Greatly have we to lament that he did not go to one of the universities—where arbitrary power will I hope never be heard of; but the true principles of religion, of liberty and law, will ever be inculcated—instead of studying in the school of Cossim Ali Khan.

If he had lived with us, he would have quoted the example of Cicero in his government; he would have quoted several of the sacred and holy prophets, and made them his example. But he quotes every name of barbarism, tyranny and usurpation, that is to be found; and "from these,"

he says, "from the practice of one part of Asia or other, have I taken my rule." But your Lordships will show him that, in Asia as well as in Europe, the same law of nations prevails, the same principles are continually resorted to, and the same maxims sacredly held and strenuously maintained; and however disobeyed, no man suffers from the breach of them that does not know how to complain of that breach; that Asia is enlightened in that respect as well as Europe; but, if it was totally blinded, that England would send out governors to teach them better; and that he must justify himself to the piety, the truth, the faith, of England, and not justify himself by having recourse to the barbarous tyranny of Asia, or any other part of the world. 16 FEB. 1788.

I will go further with Mr. Hastings, and admit that, if there is a boy in the fourth form of Westminster school, or any school in England, who does not know, when these Articles are read to him, that Mr. Hastings has been guilty of gross and enormous crimes, he may have the shelter of his present plea, so far as it will serve him. There are none of us, thank God! so uninstructed, who have learned our catechisms or the first elements of Christianity, who do not know that such conduct is not to be justified.

There is another topic which Mr. Hastings takes up more seriously, and as a general rebutter to the charge. Says he:— Plea of acquittal by Parliament.

"After a great many of these practices with which I am charged, Parliament appointed me to my trust, and consequently has acquitted me."

Has it, my Lords? I am bold to say that the Commons are wholly guiltless of this charge. If they had re-appointed him to a great public trust, after they had known of his enormities, after they had had them before them, they would have participated in the guilt with him, and the public would have great reason to reprobate their conduct; and I admit that, if that were the case, there would be an indecorum in prosecuting him. But the House of Commons stand before your Lordships without shame; because they know that these crimes never were brought and proved before them. No; they lay buried in the records of the Company. Perhaps if we had examined them strictly, as we ought, Mr. Hastings would not have been re-appointed to that trust; but if any one will show any part of the charge proved before the House of Commons we will take that part of the shame.

My Lords, at the time Mr. Hastings was re-appointed we

16 Feb. 1788. had not any knowledge of these transactions. Since they came to our knowledge we never ceased to attack, to condemn and prosecute, them, and, as far as legal power was in us, to call him home to answer for them. Therefore we are as free from indecorum as from breach of duty in appointing such a person. But, even if that which he states were true, it does not rebut the greatest part of this charge; for a great number of these enormities and wickednesses were committed since his last appointment. But, supposing it were true, think of the audacity of a man who will fly in the face of his country and say—"You trusted me when you ought not, therefore you are obliged to carry me through this matter, it being your own act." No; we return it upon him and say—"It is not our own act; the wickedness was yours, the trust was yours. And if we, in a moment of inadvertence, or even from a breach of our duty, by neglect, appointed you, that ought to have been a lesson to you to forbear from those crimes on account of our lenity." But no; he has made use of that trust to redouble all those crimes and offences from the moment of his appointment to the moment of quitting that country, as I hope we shall be able to prove fully before your Lordships.

Plea of approval by the Company.

My Lords, we have now gone through most of the general topics. But Mr. Hastings says he has had the thanks and approbation of the India Company for his services. We know too well here, I trust the world knows, and you will always assert, that a pardon from the Crown cannot bar the impeachment of the Commons, much less a pardon of the East India Company; though it may involve them in guilt, which might induce us to punish them for such a pardon.

The East India Company, it is true, have thanked him. They ought not to have done it, and it is a reflection upon their character that they did it. But if you come to this gentleman's actions, they are all, every one, censured one by one as they arise. I do not recollect any one transaction, few there are I am sure, in the whole body of that train of crimes which is now brought before you for your judgment, in which the India Company have not censured him. Then if for any fresh reasons they come and say, "We thank you, sir, for all your services," to that I answer, "Yes, and I would thank him for his services too if I knew them; but I do not: perhaps they do. Let them thank him for those services. I am ordered to prosecute him for these crimes." Here, therefore, we are upon a balance with the India Com-

pany, and your Lordships may perhaps think it some addition to his crimes that he has found means to obtain the thanks of the India Company for the whole of his conduct, at the same time that their records are full of constant, uniform, censure and reprobation of every one of those acts for which he now stands accused. 16 FEB. 1788.

Testimony of Indian princes in his favour.

He says also that there is the testimony of Indian princes in his favour. But do we not know how seals are obtained in that country? Do we not know how those princes are imposed upon? Do we not know the subjection and thraldom in which they are held; and that they are obliged to return thanks for the sufferings which they have felt? I believe your Lordships will think that there is not, with regard to some of these princes, a more dreadful thing that can be said of them than that he has obtained their thanks. I understand he has obtained the thanks of the miserable Princesses of Oude, whom he has cruelly imprisoned, whose treasure he has seized, and whose eunuchs he has tortured.

These native princes thank him for going away. They thank him for leaving them the smallest trifle of their subsistence; and I venture to say, if he wanted a hundred more panegyrics upon him, provided he never came again among them, he might have them. I understand that Madajee Scindia has made his panegyric too.* Madajee Scindia has not made his panegyric for nothing; for, if your Lordships will suffer Mr. Hastings to enter into such a justification, we will prove that he has sacrificed the dignity of this country and all its allies to that prince. We attack him neither with panegyrics nor with satire. It is for substantial crimes that we bring him before you. We bring him before you for having cruelly injured persons in India; and, when we prove that he has cruelly injured them, you will think the panegyrics either gross forgeries or most miserable aggravations of his offences, since they show the dreadful state into which he has driven those people. For, let it be proved that I have cruelly robbed and treated any persons, and then I produce a certificate from them of my good behaviour; would not that be a corroborative proof of the terror that those persons are thrown into by my behaviour?

My Lords, these are, I believe, the general grounds of our

* Hastings refers in his Defence before the Commons to letters expressing regret at his departure from India, addressed by Madajee Scindia to the King and to the Company. See p. 5 of Debrett's edition.

16 FEB. 1788. charge. I have now closed completely, and I hope to your Lordships' satisfaction, the whole body of history of which I wished to put your Lordships in possession. I do not mean that you will not know it more perfectly by your own inquiries—that many of your Lordships may not have known it more perfectly by your own previous inquiries; but, bringing to your remembrance the state of the circumstances of the persons with whom he acted, the persons and power he has abused, I have gone to the principles he maintains, the precedents he quotes, the laws and authorities which he refuses to abide by, and those on which he relies; and at last I have refuted all those pleas in bar upon which he depends, and for the effect of which he presumes on the indulgence and patience of this country, or the corruption of some persons in it.

Review of topics of this address.

And here I close what I have to say upon this subject; wishing and hoping that, when I open the case before your Lordships more particularly, so as to state rather a plan of the proceeding than the direct proof of the crimes, your Lordships will hear me with the same goodness and indulgence that I have hitherto experienced; that you will consider, if I have detained you long, it was not with a view of exhausting my own strength, or putting your patience to too severe a trial, but from the sense I feel that it is the most difficult and the most complicated cause that was ever brought before any human tribunal; therefore I was resolved to bring the whole substantially before you. And now, if your Lordships will permit me, I will state the method of my future proceeding and the future proceeding of the gentlemen assisting me.

Apology for length of address.

Method of future proceedings in the charge.

I mean first to bring before you the crimes as they are classed, and which are of the same species and genus, and show how they mutually arose from one another. I shall first show that Mr. Hastings' crimes had root in that which is the root of all evil, I mean avarice; that avarice and rapacity were the groundwork and foundation of all his other vicious system; that he showed it in setting to sale the native government of the country; in setting to sale the whole landed interest of the country; in setting to sale the British government and his own fellow-servants, to the basest and wickedest of mankind. I shall then show your Lordships that when, in consequence of such a body of corruption and peculation, he justly dreaded the vengeance and indignation of the laws of his country, in order to raise

himself a faction embodied by the same guilt and rewarded in the same manner, he has, with a most abandoned profusion, thrown away the revenues of the country to form such a faction here. 16 Feb. 1788.

I shall next show your Lordships that, having exhausted the country and brought it to extreme difficulties within, he has looked to his external resources, as he calls them; he has gone up into the country. I will show that he has plundered, or attempted to plunder, every person dependent upon, connected or allied with, this country. I shall show what infinite mischief has followed from it in the case of Benares, upon which he first laid his hands; next in the case of the Begums of Oude.

I shall then lay before you the wicked system by which he endeavoured to oppress that country, first by Residents, next by spies under the name of British Residents. And, lastly, that, pursuing his way up to the mountains, he has found out one miserable chief, whose crimes were the prosperity of his country, and him he endeavoured to torture and destroy—I do not mean in his body, but by exhausting the treasures which he kept for the benefit of his people.

My Lords, this is the plan on which I mean to go. If I should not be able to execute the whole of it (as I fear I shall not), I shall go at least to the root of it, and so prepare it that the other gentlemen, with ten thousand times more ability than I, will be able to take up the part where I leave off, just when you find it proper. I shall show your Lordships that Mr. Hastings' principle is, that no man who is under his power is safe from his arbitrary will; that no man, within or without, friend, ally, rival, anything, has been safe from him. Therefore I mean to bring the case to that point, to show your Lordships the system of corruption which Mr. Hastings adopted, and the wicked, villanous, perfidious, means, which he calls external resources, of which he made use. And then, if I am not able in my own person immediately to go up into the country, and show the ramifications of the system—though I hope and trust I shall be spared to take a part in that myself—some other gentleman will take up each part in its proper order. And then, I believe, it is proposed by the Managers that one of them shall, as soon as possible afterwards, bring forward the affair of Benares.

The point I mean to bring before your Lordships first, is the corruption of Mr. Hastings, the system of peculation and bribery upon which he went; and to show your Lordships

16 FEB. 1788. the horrid consequences which resulted from it. For though at the first view bribery and peculation do not seem to be so horrid a matter, but may seem to be only transferring a little money out of one pocket into another, I shall show that by such a system of bribery the country is undone.

I shall inform your Lordships in the best manner I can, and afterwards submit the whole, as I do with a cheerful heart and with an easy and assured security, to that justice which is the security for all the other justice in the kingdom.

CONTINUATION OF THE SPEECH OF THE RT. HON. EDMUND BURKE, MANAGER FOR THE HOUSE OF COMMONS, IN OPENING THE IMPEACHMENT; 18 FEBRUARY, 1788.

Determination of the Managers to abridge preliminary explanation of the charges.

MY LORDS,—The gentlemen who are appointed by the Commons to manage this prosecution have directed me to inform your Lordships that they have very carefully and attentively weighed the magnitude of the subject which they bring before you, with the time which the nature and circumstances of affairs allow for their conducting it. My Lords, on that comparison, they are very apprehensive that, if I should go very largely into a preliminary explanation of the several matters in charge, it might be to the prejudice of an early trial of the substantial merits of each Article. We have weighed and considered the subject maturely. We have compared exactly the time with the matter, and we have found that we are obliged to do, as all men must do who would manage their affairs practicably—to conform our opinion of what might be most advantageous to the business with the time that is left to perform it in. We must, as all men must, submit affairs to times, and not think of making time conform to our wishes. And therefore, my Lords, I very willingly fall into what is the wish—and what, I believe, the nature of affairs will require—and the inclinations of the gentlemen with whom I have the honour to act; to come as soon as possible to close fighting, and to grapple immediately and directly with the corruptions of India; to bring before your Lordships the direct Articles; to apply the evidence to the Articles; and to bring the matter forward to your Lordships' decision in that manner which the confidence we have in the justice of our cause absolutely demands from the Commons of Great Britain.

My Lords, these are the opinions of those with whom I have the honour to act: at the same time they perfectly concur with my own. For I should be far from wishing to waste any of your Lordships' time upon any matter, merely

18 FEB. 1788. upon the opinion that I have of the nature of the business, when at the same time that opinion might, in the opinion of others, militate against the full, proper, and, if I may so say, the immediate, effect of that matter.

Curtailment of proposed plan of this address.

It was my design to class the crimes of the late Governor of Bengal, to show their bearings upon each other, how they were mutually aided and grew and were formed out of each other. I think I shall in some measure be obliged to abridge that plan; for I proposed, first of all, to show your Lordships that those crimes had their root in that which is the origin of all evil, avarice and rapacity; to show how that led to prodigality of the public money; and how prodigality of the public money wasted the treasures of the East India Company, furnished an excuse to the Governor General to break the Company's faith, to violate all its most solemn engagements, and to fall with a hand of stern, ferocious and unrelenting, rapacity upon all the allies and dependencies of the Company. But as your Lordships already possess, from what I had the honour to state on Saturday, a general view of the subject, when the several Articles are presented you may be in a condition to pursue it everywhere according to your own ideas.

Object of the address to prove pecuniary corruption.

My Lords, I have to state to-day the root of all these misdemeanours, namely, the pecuniary corruption and avarice —which is a material head—which gave rise and primary motion to all the rest of the delinquencies which we charge to have been committed by the Governor General.

My Lords, pecuniary corruption forms not only a head, as your Lordships will observe, in the charges before you, an Article of charge by itself, but likewise so intermixes with the whole, that it is necessary to give, in the best manner I am able, a history of that corrupt system which brought on all the subsequent acts of corruption, which are so intermixed with the charges that I will venture to say there is no one in which tyranny, malice, cruelty and oppression, can be charged that does not at the same time carry evident marks of pecuniary corruption.

Mr. Hastings conscious of the evil consequences of arbitrary power.

I had the honour of stating to your Lordships on Saturday last the principles upon which Mr. Hastings governed his conduct in India, and upon which he grounds his defence, which may be all reduced to one short word—arbitrary power. My Lords, if Mr. Hastings had contended, as all the rest of men in the world contend, that the system of government which he patronises, and on which he pretended to act, was

a good system, tending on the whole to the blessing and benefit of mankind, possibly something might be said for him for setting up so wild, absurd, irrational and wicked, a system; something might be said from the intention to qualify the act. But it is singular in this man that, at the time that he tells you he acted on the principles of arbitrary power, he takes care to inform you that he was not blind to the consequences; and, if you look at his Defence before the House of Commons, you will see that that very system upon which he first governed, and under which he now justifies his actions, did appear to himself a system pregnant with a thousand evils and a thousand mischiefs. 18 Feb. 1788.

He follows an evil system to its consequences.

The next thing that is remarkable and singular in the principles upon which the Governor General acted is, that, when he is engaged in a vicious system, which clearly leads to evil consequences, he thinks himself bound to realise all the evil consequences involved in that system. All other men have taken a directly contrary course. They have said:—"I have been engaged in an evil system, that led indeed to abusive consequences; but I have taken care by my own virtues to prevent the evils of the system under which I acted." Mr. Hastings foresees the abusive and corrupt consequences, and then he justifies his conduct upon the necessities of that system. These are things which are new in the world. For there never was a man, I believe, who contended for arbitrary power—and there have been persons wicked and foolish enough to contend for it—that did not pretend either that the system was good in itself or that by his conduct he had mitigated or had purified it, and that the poison by passing through his constitution had acquired salutary properties. Mr. Hastings foresaw that the consequence of this system was corruption; for an arbitrary system must always be a corrupt one.

He practised bribery.

My Lords, there never was a man who thought he had no law but his own will, who did not soon find that he had no end but his own profit. Corruption and arbitrary power are of natural, unequivocal, generation, necessarily producing one another. We not only say that he governed arbitrarily, but corruptly; that is to say, that he was a giver and receiver of bribes, and formed a system for the purpose of giving and receiving them. We wish your Lordships distinctly to consider that he did not only give and receive bribes accidentally, as it happened, without any system and

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design, merely as the opportunity or momentary temptation of profit urged him to it, but that he has formed plans and systems of government for the very purpose of accumulating bribes and presents to himself. This system of Mr. Hastings' government is such an one, I believe, as the British nation in particular will disown. For I will venture to say that, if there is any one thing which distinguishes this nation eminently above another, it is that its offices at home, both judicial and in the state, are so managed that there is less suspicion of pecuniary corruption attached to them than to any similar offices on any part of the globe, or that have existed in any time. So that he who would set up upon these principles a system of corruption and attempt to justify it upon utility, that man is staining, not only the nature and character of office, but that which is the peculiar glory of the official and judicial character of this country; and therefore in this house, which is eminently the guardian of the purity of all the offices of this kingdom, he ought to be called eminently and peculiarly to account. There are many things undoubtedly in crimes which make them frightful and odious; but bribery, peculation, filthy hands, a chief governor of a great empire receiving bribes from poor, miserable, indigent, people—that is a thing that makes government base, contemptible and odious, in the eyes of mankind.

Principle of making money the object of government.

My Lords, it is certain that even tyranny itself may find some specious colour, and may appear as a more severe and rigid execution of justice. Religious persecution may shield itself under the guise of a mistaken and over-zealous piety. Conquest may cover its baldness with its own laurels, and may in the secrets of a man's heart cover his ambition under a veil of benevolence, and make him imagine he is bringing temporary desolation upon a country only to promote its ultimate advantage and his own glory. But money cannot do it. There is a pollution in the touch, in the principle of that governor who makes nothing but money his object. It has not one of those specious delusions that look like virtues, to veil either the governed or the governor. If you look at Mr. Hastings' merits, as he calls them, what are they? Did he improve the internal state of the government by great reforms? No such thing. Or by a wise and incorrupt administration of justice? No. Has he enlarged the boundaries of our government? No; there are but too strong proofs of his lessening it. But his pretensions to

Mr. Hastings' pretensions to merit.

merit are that he squeezed more money out of the inhabitants of the country than other persons could have done—money got by oppression, violence, extortion of the poor, or the heavy hand of power upon the rich and great. 18 FEB. 1788.

Avarice his ruling principle.

These are his merits. His demerits are all of the same nature; for though there is undoubtedly oppression, breach of faith, cruelty, perfidy, charged upon him, yet the great ruling principle of the whole, and that from which you can never have an act free, is money; it is the vice of base avarice, which never is, nor ever looks to the prejudices of mankind to be anything like, a virtue. The government of India undoubtedly originated first in ideas of safety and necessity. Its next step was a step of ambition. That ambition, as generally happens in conquest, was followed by gains of money. But afterwards there was no mixture at all; it was, during Mr. Hastings' time, altogether a business of money. If he has extirpated a nation, I will not say whether properly or improperly, it is because, says he, "You have all the benefit of conquest without trouble; you have got a large sum of money from the people, and you may leave them to be governed by whom and as they will." This is directly contrary to the principles of conquerors. If Mr. Hastings has at any time taken any money from the dependencies of the Company, he does not pretend that he has increased their zeal and affection to our cause, or made their submission more complete; very far from it. He says they ought to be independent, and all that you have to do is to squeeze money from them. In short, money is the beginning, the middle and the end, of every kind of act done by Mr. Hastings, pretendedly for the Company, but really for himself.

Having said so much about the origin, the first principle, both of that which he makes his merit and which we charge as his demerit, the next step is, that I should lay open to your Lordships, as clearly as I can, what the sense of his employers, the East India Company, and what the sense of the legislature itself, has been upon those merits and demerits of money.

Covenants against receiving presents enforced upon the Company's servants.

My Lords, the Company, knowing that these money transactions were like to subvert that empire which was first established upon them, did, in the year 1765, send out a body of the strongest and most solemn covenants to their servants, that they should take no presents from the country

18 Feb. 1788. powers, under any name or description, except those things which were publicly and openly taken for the use of the Company, namely, territories, or sums of money, which might be obtained by treaty. They distinguished those things which were taken from persons privately and unknown to them, and without their authority, from subsidies; and that is the true nature and construction of these covenants, as I shall contend and explain afterwards to your Lordships. They have said that nothing shall be taken for their private use; for in that and in every state there may be subsidiary treaties—sums of money to be received; but they forbid their servants, their governors, whatever future application they might pretend to make of them, to receive under any name or pretence above a certain, marked, simple, sum of money, and even this without the consent and permission of the Presidency to which they belong. This is the substance, the principle and the spirit, of the covenants; which shows your Lordships how radicated an evil this of bribery and presents is.

When these covenants went out to India the servants refused to execute them, and suspended the execution of them till they had enriched themselves with presents. Eleven months elapsed before Lord Clive reached the place of his destination, and till then the covenants were not executed, and they were not executed then without some degree of force. When, soon afterwards, the treaty was made with the country powers, by which Suja-ud-Dowla was re-established in the province of Oude, and paid a sum of 500,000*l.* to the Company for it, it was a public payment, and there was not a suspicion that a single shilling of private emolument attended it. But whether Mr. Hastings had the example of others or not does not justify his bribery. He was sent there to destroy the effect of all those examples. The Company did not expressly vest him with that power. They declared at that time that the whole of their service was totally corrupted by bribes and presents, and by extravagance and luxury, which partly gave rise to them; and these enabled them to pursue those excesses. The Company not only reposed trust in the integrity of Mr. Hastings, but reposed trust in his remarkable frugality and order in his affairs, which they considered as a thing that distinguished his character. But now we have him quite in another character; no longer the frugal, attentive,

Mr. Hastings commissioned to suppress the system of receiving presents.

Mr. Hastings' pretended inattention to the care of money.

servant, bred to business, bred to book-keeping, as all the Company's servants are; he now knows nothing of his affairs, knows not whether he is rich or poor, knows not what he has in the world. Nay, there are people who say that they know better than he does what his affairs are. He is not like a careful man bred in a counting-house, and by the Directors put into an office of the highest trust on account of the regularity of his affairs; he is like one buried in the contemplation of the stars, and knowing nothing of the things of this world. It was on account of this idea of great integrity that the Company put him into this situation. Since that he has thought proper to justify himself, not by clearing himself from receiving bribes, but by saying that no bad consequences result from them, and that any evil that may have arisen from them arose rather from his inattention to the care of money than from his acquiring it.

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Repeated injunctions of the Company against receiving presents.

I had the honour of stating before your Lordships that the East India Company not only sent out those covenants, but afterwards, when they found their servants had refused to execute them, very severely reprehended them for a moment's delay in executing them, and threatened the exacting the most strict and rigorous performance of them; but they sent a commission to inforce the observance of them more strongly, and that commission had it specially in charge never to receive presents. The Company never sent out a person to India without recognising the grievance, and without ordering that presents should not be received, as the main, fundamental, part of their duty, and upon which all the rest depended, as it certainly must. For persons at the head of government should not encourage that by example, which they ought by precept, authority and force, to restrain in all below them. That commission failing, another commission was preparing to be sent out with the same instructions, when an act of Parliament took the matter up; and that act, which gave Mr. Hastings power, did mould in the very first stamina of his power this principle, in words the most clear and forcible that an act of Parliament could possibly devise upon the subject. And that act was made not only upon a general knowledge of the grievance; but your Lordships will see, in the reports of that time, that Parliament had directly in view before them all that monstrous head of corruption that lay under the name of presents, and all the monstrous consequences that followed it.

Act of Parliament against receiving presents.

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Now, my Lords, every office of trust, in its very nature, forbids the receipt of bribes. Mr. Hastings was forbid it, first, by his official situation, next by covenant, and lastly by act of Parliament; that is to say, by all the things that bind mankind, or that can bind them—first, moral obligation, inherent in the duty of their office; next, the positive injunction of the legislature of the country; and lastly, a man's own private and particular voluntary act and covenant. These three, being the great and only obligations that bind mankind, all united in the focus of this single point—that they take no presents. This formed, as it were, a summary of the duty of a governor, at least of his positive duty in his office.

Indirect ways of receiving presents.

I am to mark to your Lordships that this law and this covenant did consider indirect ways of taking presents, taking them by others and such like, directly in the very same way as they considered taking them by themselves. It is perhaps a much more dangerous way, because it adds to the crime a false, prevaricating, mode of concealing it, and makes it much more mischievous by admitting others into the participation of it. Mr. Hastings has said here, and it is one of the general complaints of Mr. Hastings, that he is made answerable for the acts of other men. It is a thing inherent in the nature of his situation. All those who enjoy a great superintending trust, which is to regulate the whole affairs of an empire, are responsible for the acts and conduct of other men, so far as they had anything to do with appointing them and holding them in their places, or having any sort of inspection into their conduct. My Lords, Mr. Hastings not only by that general duty was bound to inspect the conduct of others, and to take care that they did no mischief in their situations, but there is a special order given to him respecting certain great officers of the state, to keep a watchful eye upon them, and observe that they did not transgress the line of their duty. For the acts of every one of them Mr. Hastings is responsible, though he did not appoint these persons to their offices. But when a Governor presumes to remove from their situations those persons whom the public authority and sanction of the Company have appointed, and obtrudes upon them by violence other persons, superseding the orders of his masters, he becomes doubly responsible for their conduct. Then, if the persons he names should be of notorious evil character and evil principles, and that should be perfectly known to him-

Mr. Hastings answerable for the acts of those employed under him.

self and of public notoriety to the rest of the world, then another strong responsibility attaches on him for the acts of other persons. 18 Feb. 1788.

Governors, we know very well, cannot with their own hands be continually receiving bribes; for then they must have as many hands as one of the idols in an Indian temple, in order to receive all the bribes that a governor generally does; but they have them vicariously. As there are many offices, so he has had various officers for receiving and distributing his bribes; he has a great many, some white and some black agents. White men are loose and licentious; they are apt to have resentments, and to be bold in revenging them. Black men are very secret and mysterious; they are not apt to have very quick resentments; they have not the same liberty and boldness of language which characterise Europeans; and they have fears too themselves, which make it more likely that they will conceal anything committed to them by Europeans. Therefore Mr. Hastings had his black agents—not one, two, three, but many, disseminated through the country; no two of them hardly appear to be in the secret of any one of his bribes. He has had likewise his white agents—they were necessary—a Mr. Larkins and a Mr. Crofts. Mr. Crofts was sub-treasurer, and Mr. Larkins accomptant general. These were the last persons of all others that should have had anything to do with bribes, yet these were some of his agents in bribery. There are few instances in comparison, but there are some, where two men are in the secret of the same bribe. Nay, it appears that there was one bribe divided into different payments at different times; that one part was committed to one black secretary, another part to another black secretary; so far as to make it almost impossible to make up a complete body of all his bribery. You may find the scattered limbs, some here and others there; and, while you are employed in picking them up, he may escape entirely in a prosecution for the whole.

Mr. Hastings received bribes through the hands of others.

My Lords, when Mr. Hastings first went into Bengal, the first of his acts was the most bold and extraordinary that I believe ever entered into the head of any man—I will say, of any tyrant. It was no more or less than a general, almost exceptionless, confiscation, in time of profound peace, of all the landed property in Bengal, upon strange pretences. Odd as that may appear he did so confiscate it; he put it up to a pretended public, in reality to a private, corrupt, auction;

Confiscation of the landed property in Bengal by Mr. Hastings.

18 Feb. 1788. and such favoured landholders as came were obliged to consider themselves as not any longer proprietors of the estates, but to recognise themselves as farmers under government: and even those few that were permitted to stay had their payments raised at his arbitrary discretion; and the rest of the price given for the lands was given upon the same arbitrary discretion to the farmers general appointed by him and his committee.

It is necessary to inform your Lordships, that the revenues of Bengal are for the most part territorial revenues, great quit-rents issuing out of lands. I shall say nothing either of the rights of the people to their property, or the nature or mode of exaction, till that great question, the greatest of all that we have to bring before your Lordships, shall be brought before you particularly and specially as an article of charge. I only bring it in now as an exemplification of the great principle of corruption which guided Mr. Hastings' conduct.

The lands of the nobility taken from them and let to farm.

My Lords, when the ancient nobility, the great princes—for such I may call them—a nobility perhaps as ancient as that of your Lordships—and a more truly noble body never existed in that character—when all the nobility, some of whom have borne the rank and port of princes, all the gentry, all the freeholders, of the country, had their estates in that manner confiscated, and either given to themselves to hold on the footing of farmers or totally confiscated; when such an act of tyranny was done, no doubt some good was pretended. The lands were taken away for five years, and let to those farmers upon an idea which always accompanies those acts, the idea of moneyed merit. He adopted this mode, therefore, of confiscating the estates and letting them to farmers, for the avowed purpose of seeing how much it was possible to take out of them. And accordingly he set them up to this wild and wicked auction, as it would have been if it had been a real one—corrupt and treacherous as it was. He set those lands up for that discovery, and pretended that that discovery would yield a most amazing increase of rent. And for some time it appeared so to do, till it came to the touchstone of experience; and then it was found that there was a defalcation from these monstrous-raised revenues, which were to cancel in the minds of the Directors the wickedness of so atrocious, flagitious and horrid, an act of treachery. At the end of five years what do you think was the failure? No less than 2,050,000*l.* Then a new source of corruption was opened, that is, how to deal with the

Defalcations in revenue so raised.

balances: for every man who had engaged in those transactions was a debtor to government, and the remission of that debt depended upon the discretion of the Governor General. Then the persons who had to compound that immense debt, who were to see how much was recoverable, and how much not, were able to favour, or to exact the last shilling; and there never was a doubt raised in the minds of mankind that, not only upon the original cruel exaction, but upon the remission afterwards, immense gains were made. This will account for the manner in which those stupendous fortunes, which astonish the world, have been made. They have been made, first, by a tyrannous exaction, by suffering the people to remain in possession of their land as farmers; then, selling to farmers under hopes which would never be realised; and then, getting money for the relaxation of their debts. And this business of balances is that *nidus* in which have been nestled, and bred and born, all the corruptions of India; first, by making extravagant demands, and afterwards by making corrupt relaxations of them. However, there might have been some sort of wicked excuse for this wicked act; namely, that it had carried upon the face of it some sort of appearance of public good, that is to say, that sort of public good which Mr. Hastings so often professed—of ruining the country for the benefit of the Company.

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Corrupt practices in dealing with them.

Besides this monstrous failure that your Lordships find, after a miserable exaction that was attempted, to force from the country more than it was capable of yielding, and that by the way of experiment, when you come to inquire who the farmers general of the revenue were, you would naturally expect to find them to be the men in the several countries who had the most interest, the greatest wealth, the best knowledge of the revenue and the resources of the country in which they were. These would be thought the natural, proper, farmers general of the place. No such thing, my Lords. They are found in the body of people whom I have mentioned to your Lordships. They are almost all let to Calcutta banyas. Calcutta banyas were the farmers of almost the whole. They sub-delegated to others, who had sub-delegates under them *ad infinitum.* The whole formed a system together through the succession of black tyrants scattered through the country, in which you at last find the European at the end, sometimes not hid very deep, not above one between them, his banya directly or some other black person to represent him. But some have managed the

The farmers selected from the class of banyas;

who sub-let the lands in favour of Europeans.

18 FEB. 1788. affair so that after you have inquired who the farmer was, "Was such an one farmer?"—"No." "Cantoo Baboo?"—"No." "Another?"—"No."—at last you find three deep of fictitious farmers, and you find the European gentlemen, high in place and authority, the real farmers of the settlement. So that the zamindars were dispossessed, and the country racked and ruined, for the benefit of an European under the name of a farmer. For you will easily judge whether these gentlemen had fallen so deeply in love with the natives, and thought so highly of their merits and services, that they chose to reward them with all the possessions of the great landed interest of the country for their own sakes. Your Lordships are too grave, wise and discerning, to make it necessary for me to say more upon that subject. Tell me that the banyas of English gentlemen, dependents on [them at]* Calcutta, were the farmers throughout, and I believe I need not tell your Lordships for whose benefit they were farmers.

Mr. Hastings' banya, Cantoo Baboo.

But there is one of these farmers who comes so near and precise upon this occasion that it is impossible for me to pass him by. Whoever has heard of Mr. Hastings' name, with any knowledge of Indian connection, has heard of his banya, Cantoo Baboo. This man is well known in the records of the Company for being his agent for receiving secret gifts, confiscations and presents. You would have imagined that Mr. Hastings would at least have kept him out of these farms, in order to give the proceeding a colour of disinterestedness, and to make it appear that this whole system of corruption and pecuniary oppression was carried on for the benefit of the Company. An ostensible order was made, by which no collector or person concerned in the revenue should have any connection with these farms. This did not include the Governor General in the words of it, but more than included him in the spirit of it: because his power to protect a farmer general in the person of his own servant was infinitely greater than that of any subordinate person. Mr. Hastings, in breach of this order, gave farms to his own banya. You find him the farmer of great, of vast and extensive, farms.

Ostensible order against collectors of revenue having connection with the farms.

Regulation against holding farms exceeding 10,000*l*.

Another regulation that was made on the same occasion was, that no farmer should have, except in particular cases, which were marked, described, and accurately distinguished,

* Revised copy.

a greater farm than what paid 10,000*l.* a year to government. Mr. Hastings, who had broken the first regulation by giving any farm at all to his banya, finding himself bolder, broke the second too, and instead of 10,000*l.* gave him farms paying a revenue of 130,000*l.* a year to government. Men undoubtedly have been known to be under the dominion of their domestics; such things have happened to great men: they never have happened justifiably in my opinion; they have never happened excusably: but we are acquainted sufficiently with the weakness of human nature to know that a domestic who has served you in a near office long and, in your opinion, faithfully, does become a kind of relation; it brings on a great affection and regard for his interest. Now was this the case with Mr. Hastings and Cantoo Baboo? Mr. Hastings was just arrived in his government, and Cantoo Baboo had been but a year in his service; so that he could not in that time have contracted any great degree of friendship for him. These people do not live in your house. The Hindu servants never sleep in it; they cannot eat with your servants. They have no second table in which they can be continually about you, to be domesticated with yourself, a part of your being, as people's servants are to a certain degree. These persons live all abroad. They come at stated hours, upon matters of business, and nothing more. But if it had been otherwise, Mr. Hastings' connections with Cantoo Baboo had been but of a year's standing. He had served in that capacity to Mr. Sykes, who recommended him to Mr. Hastings. Then your Lordships are to judge whether such outrageous violations of all the principles pretended by Mr. Hastings in the settlement of these farms were for the benefit of this old, decayed, affectionate, servant of one year's standing with Mr. Hastings. Your Lordships will judge of that.

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Infringed by Mr. Hastings, apparently for the benefit of Cantoo Baboo, really for his own.

My Lords, I speak here only of the beginning of a great, notorious, system of corruption; which system of corruption had so many abuses, branched out into such a variety of ways, and has afflicted that kingdom with such horrible evils, from that day to this, that I will venture to say it will make one of the greatest, weightiest and most material, parts of the charge that is now before you; as I believe I need not tell your Lordships that an attempt to set up the whole landed interest of a kingdom to auction must be attended, not only in that act but every consequential act, with most grievous and terrible consequences.

Growth of the system of corruption.

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Sale of offices of justice, guardianships and trusts.

My Lords, I will now come to a scene of peculation of another kind; namely, a peculation by the direct sale of offices of justice; by the direct sale of all the successions of families; by the sale of guardianships, and whatever trusts are held most sacred among the people of India; by the sale of them, not as before to farmers, not as you might imagine to near relations of their families, but a sale of them to the unfaithful servants of those families, their own perfidious servants, who had ruined their estates, who had been the means of all their debts, if any balances had accrued to the government. Those very servants were put in power over their estates, their persons and their families, by Mr. Hastings for a shameful price. It will be proved to your Lordships in the course of this business that Mr. Hastings has done this in another sacred trust, the most sacred trust that a man can have, that is, in the case of those vakils, as they call them—agents or attornies—who had been sent to assert and support the rights of their miserable masters before the Council General. It will be proved that those vakils were by Mr. Hastings, for a price to be paid for it, put in possession of the very power, situation and estates, of those masters who sent them to Calcutta to defend them from wrong and violence. The selling offices of justice, the selling masters to their servants, and to the attornies whom they employed to defend themselves, were all parts of the same system; and these were the horrid ways in which he received bribes much out of the common rate.

Order of the Company to Mr. Hastings and the Council to inquire into corruptions in office.

The Company knowing the former corrupt state of their service, when Mr. Hastings was appointed in the year 1773* to be Governor General of Bengal, together with Mr. Barwell, General Clavering, Colonel Monson and Mr. Francis, it was an express order to them—the whole corrupt system of Mr. Hastings at that time not being known or even suspected at home—it was given to them in sacred charge, without the exception of any persons whatever, in discharge of the spirit of the act of Parliament, to make an inquiry into all manner of corruptions and malversations in office by any persons whatever. Your Lordships are to know that the act did give an express order to the court of Directors to form a body of instructions, and to give orders to the new servants appointed under the act of Parliament, lest it should be sup-

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* Mr. Hastings, the first Governor General, was nominated by the Act of Parliament of 1773, reforming the constitution of the Company.

posed that they, by the appointment under the act, could supersede the authority of the Directors. The Directors, sensible of that power left in them over their servants by the act of Parliament, after their nomination was taken from them, did, agreeably to the spirit and power of that act, give this order. 18 FEB. 1788.

Merits of members of the Council.

The Council consisted of two parts, Mr. Hastings and Mr. Barwell, who were chosen and kept there upon the idea of their local knowledge, and the other three on account of their great parts and known integrity. And I will venture to say that those three gentlemen did so execute their duty, in all the substantial parts of it, that they will serve as a shield to cover the honour of England when this country is upbraided there. Those gentlemen found a rumour running through the place of great peculations and oppressions. Soon after, when their instructions were made public, and it was known that the Council were ready to receive—which is the first duty of all governors if there is no express order—complaints against its own oppression and corruption in any part of it, they found such a body—and that body shall be produced to your Lordships—of corruption and peculation, in every walk, in every department, in every situation of life, in the sale of the most sacred trusts, in the destruction of the most ancient families of the country, as I believe in so short a time never was unveiled since the world began.

Discovery of general corruption in the service.

Mr. Hastings principally implicated.

Your Lordships would imagine that Mr. Hastings would at least ostensibly have taken some part in endeavouring to bring these corruptions before the public, or that he would at least have acted with some little management in it. But alas! it was not in his power; there was not one, I think, but I am sure very few, of those general articles of corruption in which the most eminent figure in the crowd, as if it was the principal figure in the piece, was not Mr. Hastings himself. There were a great many others involved; for all departments were corrupted and vitiated. But you could not open a page in which you did not see Mr. Hastings, or in which you did not see Cantoo Baboo: either the black or white side of Mr. Hastings constantly was visible to the world in every part of those transactions.

The inquiries stopped by Mr. Hastings.

There were other gentlemen visible too, with whom I have at present no dealing. Mr. Hastings, instead of using any management on that occasion, instantly set up his power and authority directly against the majority of the Council,

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directly against his colleagues, directly against the authority of the East India Company and the authority of the act of Parliament, to put a dead stop to all those inquiries. He broke up the Council the moment they attempted to do their duty. As the evidence multiplied upon him, his daring power in stopping all inquiries increased continually; but he gave a credit and authority to the evidence by that way of suppressing it.

Reasons justifying the Council in crediting charges advanced by Nundcomar against Mr. Hastings.

Your Lordships have heard that, among the body of the accusers of this corruption, there was a principal man in the country, the first man of rank and authority in it, called Nundcomar, who had the management of revenues amounting to 150,000*l.* a year, and who had, if inclined to small gains, abundant means to gratify great ones. But Mr. Hastings has given him, himself, upon the records of the Company, a character which would at least justify the Council in making some inquiry into charges made by him. First, he was perfectly competent to make them, because he was in the management of those affairs from which Mr. Hastings is supposed to have received corrupt emolument. He and his son were the chief managers in that business. He was therefore perfectly competent to it. Mr. Hastings has cleared his character. For though it is true, in the contradictions in which Mr. Hastings has entangled himself, he has abused and insulted him, and particularly after his appearance as an accuser, yet, before that, he has given this testimony of him—that the hatred that had been drawn upon him, and the general obloquy of the English nation, was for his attachment to his own prince and the liberties of his country. Be he what he might, I am not disposed, nor have I the least occasion, to defend either his conduct or his memory.

Facilities for exposing him, if fraudulent in his accusations.

My Lords, when this man appeared as an accuser of Mr. Hastings, if he was a fraudulent accuser and a man of bad character, it was a great advantage to Mr. Hastings to be accused by a man of known bad character: there was no likelihood of any great credit being given to him. In the history that I gave before, I stated that this man had been cheated of some money, or thought he had been cheated in the sale. He had made some discoveries, and had been guilty of that sin against the Holy Ghost, that great irremissible sin in India, the discovery of peculation. He came with a second discovery, and was likely to have odium enough upon that occasion; but he mentioned several facts —the sum of money, by whom and through whom it was

paid—the specie in which it was paid—all these facts were mentioned—and therefore detection was easy, and Mr. Hastings would have flown to detection, and would have been glad that the head of his accusers was a man of infamous character. If the accusation was false, Nundcomar was guilty of great indiscretion in coming specifically to work, to bring forward time, place and circumstances, which Mr. Hastings had all the means of refuting. Instead of that, Mr. Hastings kept his own banya from attending the Council. The Council called for his appearance, but he would not suffer him to appear. He broke up the Council—I will not say whether legally or illegally; the Company's counsel thought he might legally do it—but he corruptly did it, and left mankind no room to judge but that it was done for the screening of his own guilt. For a man may use a legal power corruptly, and for the most shameful and detestable purposes. And thus matters continued till Mr. Hastings commenced a criminal prosecution against this man—this man whom he dare not meet as a defendant. 18 Feb. 1788.

Court of justice.

And here, my Lords, it becomes necessary to mention another circumstance of history. The legislature, not trusting entirely to the Governor General and Council, had sent out a court of justice, to be a counter-security against these corruptions, and to detect and punish any such misdemeanours as might appear. And that court I take for granted did great services. Mr. Hastings, instead of meeting Nundcomar in front, endeavoured to go round, to come upon his flanks and rear, but never to meet him in front upon the ground of his accusation, which he was bound by the express authority of law and the express injunctions of the Directors to do. He disobeyed those instructions; and were it for no more than disobeying, than rebelling against them—putting the corrupt motive out of it—I charge him for his disobedience, especially upon such principles as he went.

Refusal of Mr. Hastings to meet Nundcomar's accusations.

Then he took another step. He attempted to accuse Nundcomar of a conspiracy, which was a way he then and has ever since used, whenever means were taken to detect any of his iniquities. He flew to this court, which was meant rather to protect informers in their situation than to protect the accused against any of the preliminary methods which must indispensably be used for the purpose of detecting them—he flew to this court, charging Nundcomar and others with being conspirators.

Charges him with conspiracy.

A man might be convicted as a conspirator and yet live.

Means employed by

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Mr. Hastings to rid himself of Nundcomar.

He might put the matter into other hands, and go on with his information. Nothing less than stone dead would do the business. And here happened an odd concurrence of circumstances. Long before Nundcomar preferred his charge, he knew that Mr. Hastings was plotting his ruin, and that he had used a man whom he had turned out of doors, called Mohun Persaud, to be the instrument of his destruction. Mr. Hastings saw papers put upon the board, charging him with this previous plot for the destruction of Nundcomar through this identical person, Mohun Persaud. I will not enter—God forbid I should!—into the particulars of the suit; but you find the marks and characters of it to be those—you find a close connection between Mr. Hastings and the Chief Justice, which we shall prove. We shall prove that one of the witnesses who appeared there has, before or since, appeared to be the person concerned with Mr. Hastings in his most iniquitous transactions. You find, what is very odd, that in the trial for the crime of forgery, for which this man stood charged, private forgery, all the persons who were witnesses or parties to it had been, before or since, the particular friends of Mr. Hastings. In short, Mr. Hastings was concerned with the whole rabble, both before and since, in various transactions and negotiations of the most criminal kind. But the law took its course. I have nothing more to say than that the man is gone—justly if you please. It did so happen, luckily for Mr. Hastings, it so happened that Mr. Hastings' dispositions, and the justice of that court, and the resolution never to relax, did all concur just at the happy nick and moment; and Mr. Hastings accordingly had the full benefit.

His accuser was supposed to be, what may be and yet be very competent for accusers, namely, an accomplice in guilty actions—a person having a great deal to say of bribes. All that I contend for is, that he was in the closest intimacy with Mr. Hastings; was in a situation for giving bribes; and that Mr. Hastings was proved afterwards to have received a sum of money from him, which may be well referred to those bribes. But the great end and object that I have in view is to show the criminal tendency, the mischievous nature, of these crimes, and the means taken to elude their discovery. I am now giving your Lordships that general view which may serve to characterise Mr. Hastings' administration in all the other parts of it.

Charge of bribery

When this charge was thus got rid of, the other charge

remained. There was a charge from Munny Begum, a woman of the first and highest rank there, and upon whom Mr. Hastings has not been able to fix any stain at all. It was proved upon oath to his face that a bribe of 40,000*l.** was paid him. That proof was entered in the records, and transmitted to Europe. So that it did not stand, as Mr. Hastings gives out, that there was nothing against him, and that when he had got rid of Nundcomar and his charge he had got rid of the whole. No such thing. An immense load of bribery remained. Charges were coming afterwards from every part of the province—and there was no office in the execution of justice which it was not proved that he had sold in the most flagitious manner.

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against Mr. Hastings by Munny Begum.

After all this thundering the sky grew calm and clear, and Mr. Hastings sat, with recorded peculation, with peculation proved upon oath on the minutes of that very Council, at the head of that Council and that board where his peculations were proved against him. These were afterwards transmitted and recorded in the registers of his masters as an eternal monument of his corruption, and his high disobedience, and flagitious attempts to prevent a discovery of the various peculations of which he had been guilty, to the disgrace and ruin of the country committed to his care.

His suppression of inquiry into the charge.

Mr. Hastings, after the execution of Nundcomar, if he had intended to make even a decent and commonly sensible use of it, would naturally have said, "This man is justly taken away, who has accused me of those crimes; but as there are other witnesses, as there are other means of a further inquiry, as the man is gone of whose perjuries I might have reason to be afraid, let us now go into the inquiry." I think he did very ill not to go into the inquiry when the man was alive: but be it so, that he was afraid of him and waited till he was dead—why not afterwards go into such an inquiry? Why not go into an inquiry of all the other peculations and charges upon him, which were innumerable; one of which I have just mentioned in particular, the charge of Rani Munny Begum of having received from her, or her adopted son, a bribe of 40,000*l.*? Is it fit for a governor to say—will Mr. Hastings say before this august assembly—"I may be accused in a court of justice; I am upon my defence; let all charges remain against me; I will not give you an account"? Is it fit that a governor should sit with recorded bribery upon

* 15,000*l.* in revised copy.

18 FEB. 1788. him at the head of a public board, and the government of a great kingdom, when it is in his power by inquiry to do it away? No; the chastity of character of a man in that situation ought to be as dear to him as his innocence. Nay, more depended upon it. His innocence regarded himself; his character regarded the public justice, regarded his authority, and the respect due to the English in that country. I charge it upon him that, not only did he suppress the inquiry to the best of his power (and it shall be proved), but he did not in any one instance endeavour to clear off that imputation and reproach from the English government. He went further; he never denied hardly any of those charges at the time. They are so numerous that I cannot be positive; some of them he might meet with some sort of denial; but the most part he did not.

The first thing a man under such an accusation owes to the world is to deny the charge; next to put it to the proof; and, lastly, to let inquiry freely go on. Mr. Hastings did not permit this, but stopped it all in his power. I am to mention some exceptions perhaps hereafter, which will tend to fortify the principle tenfold.

Mr. Hastings' promises of explanation not fulfilled.

Mr. Hastings promised the court of Directors—to whom he never denied the facts—a full and liberal explanation of these transactions; which full and liberal explanation he never gave. Many years passed; even Parliament took notice of it; and he never gave them a liberal explanation, or any explanation at all of them. A man may say—"I am threatened with a suit in court, and it may be very disadvantageous to me if I disclose my defence." That is a proper answer for a man in common life, who has no particnlar character to sustain; but is that a proper answer for a governor accused of bribery, that accusation being transmitted to his masters, and his masters giving credit to it? Good God! is that a state in which a man is to say—"I am here upon the defensive. I am on my guard. I will give you no satisfaction. I have promised it, but I have deferred it for seven or eight years." Is not that tantamount to a denial?

Mr. Hastings having had that great body of bribery before him, providentially was freed from Nundcomar, one of his accusers; and, as good events do not come alone—I think there is some such proverb—it did so happen that all the rest, or a great many of them, ran away: but, however, their recorded evidence continued. No new ones came in; and Mr. Hastings enjoyed that happy repose which branded

peculation, fixed and eternised upon the records of the Company, must leave upon a mind conscious of its own integrity. 18 FEB. 1788.

My Lords, I will venture to say, there is no man but owes something to his character. It is the grace, undoubtedly, of a virtuous firm mind often to despise common vulgar calumny; but if ever there is an occasion in which it does become such a mind to disprove it, it is the case of being charged in high office with pecuniary malversation, pecuniary corruption. There is no case in which it becomes an honest man, much less a great man, to leave upon record specific charges against him of corruption in his government, without taking any one step whatever to refute them.

Persons in high offices bound to defend their characters.

Though Mr. Hastings took no step to refute the charges, he took many steps to punish the authors of them; and those miserable people who had the folly to make complaints against Mr. Hastings, to make them under the authority of an act of Parliament, under every sanction of public faith in giving those charges, every person concerned in them has been, as your Lordships will see, since his restoration to power, absolutely undone; brought from the highest situation to the lowest misery; so that they may have good reason to repent they ever trusted an English Council, that they ever trusted a court of Directors, that they ever dared to make their complaints.

Mr. Hastings' punishment of his accusers.

And here I charge Mr. Hastings that never to take a single step to defeat or detect any of those charges against him as false, and yet to punish the authors of them, is such a subversion of all principles of British government as will deserve, and will I dare say meet, your Lordships' most severe animadversion.

There seems, with regard to detection, to be a sort of pause here in his peculations, a sort of gap, as if pages were torn out. No longer do you meet with the same activity in taking money that you before find. Not even a trace of complimentary presents is to be found in the records during the time of the existence of the majority in the Council of General Clavering, Colonel Monson and Mr. Francis. There seems to have been a kind of truce with that sort of conduct for a while, and Mr. Hastings rested upon his arms. However, the very moment of the return of Mr. Hastings to power, peculation began again just at the same instant. The moment we find him free from the compulsion and terror of a majority of persons otherwise disposed than himself, we find him at his peculation again.

Mr. Hastings' peculations stopped by a majority against him in Council.

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Inquiries in the House of Commons concerning peculation.

My Lords, at this time very serious inquiries had begun in the House of Commons concerning peculation. They did not go directly to Bengal; but they began upon the coast of Coromandel, and with the principal governors there. There was, however, an universal opinion—and justly founded—that that inquiry would go to far greater lengths. Mr. Hastings was resolved then to change the whole course and order of his proceeding. Nothing could persuade him upon any account to lay aside his system of bribery; that he was resolved to persevere in. The point was, how to reconcile it with his safety. The first thing he did was to attempt to conceal it; and accordingly we find him depositing very great sums of money in the public treasury through the means of the two persons I have named, namely, the deputy treasurer and the accountant, paying them in and taking bonds for them as money of his own, intitling him to interest.

Mr. Hastings' methods to conceal his briberies.

This was his first method of endeavouring to conceal some of his bribes. Not that I would in the least suggest, or have your Lordships to believe, that I acquiesce in my mind that these were his only bribes; for there is reason to think there were an infinite number besides: but it did so happen that these were bribes which he thought might be discovered, some of which he knew were discovered, and all of which he knew might become the subject of a parliamentary inquiry.

I may state here that Mr. Hastings wrote over to the court of Directors that there were certain sums of money that he had received which were not his own; but that he had received them for their use. By this time his intercourse with gentlemen of the law became more considerable than at first. When first attacked for presents he never denied the receipt of them, or pretended to say they were for public purposes; but upon looking more into the covenants, and probably with better legal advice, he found it must not be money received for his own use; and though he did receive these bribes for his own use,—"yet," says he, "there was an inward destination of them in my own mind to your benefit, and to your benefit have I applied them." Now, here is a new system of bribery, contrary to law; very ingenious, but I believe with as little effect upon the mind of man as any pretence that was ever used. Here Mr. Hastings changes his ground. Before, he was in some measure upon the defensive; he was considered as a peculator: he did not deny the fact; he did not refund the money. He fought it off; he stood upon the defensive, and used all

His pretence of receiving bribes for the benefit of the Company.

the means in his power to prevent the inquiry. That was the first era of his corruption — a bold, ferocious, plain, downright, use of power. In the second he is grown a little more careful and guarded,—the effect of subtlety; and therefore he appears no longer as a defendant, he holds himself up with a firm, dignified and erect, countenance, and says:— "I am not here any more as a delinquent, a receiver of bribes, to be punished for what I have done wrong, or at least to suffer in my character for it. No! I am a great inventive genius, who have gone out of all the ordinary roads of finance, have made great discoveries in the unknown regions of that science, and have for the first time established the corruption of the supreme magistrate as a principle of resource for government." His is public-spirited peculation, patriotic bribery. Other people have turned private vices into public benefits. He goes the full length of that, and turns his private peculation into a public benefit. This is what you are to thank him for. You are to consider him as a great inventor upon this occasion. It is said that ambassadors are sent abroad to tell lies for the benefit of their country.* Mr. Hastings has extended that principle, and states himself to be the person who receives bribes for the benefit of his country. 18 Feb. 1788.

Reasons against suffering governors to take bribes for the service of the public.

My Lords, if you go upon that principle, if, after all you have exacted from the people by taxes and public imposts, you are to let loose your servants upon them, by bribery and peculation to extort what they can from them to apply to the public service whenever they please, this shocking consequence will follow from it:—when one of the Governor's bribes is discovered, he will say, "What is that to you? Mind your business. I intend it for the public service." Suppose a man attacks him, that man loses the favour of the Governor General and the India Company. They say, the Governor has been doing a meritorious action, extorting bribes for our benefit, and you have the impudence to think of prosecuting him. So that the moment the bribe is detected it is instantly turned into a merit. And that is the case with Mr. Hastings, as we shall prove whenever a bribe has been discovered.

Effect of guilt in warping the mind.

Mr. Hastings' conduct may be thought irrational. But, thank God! guilt was never a rational thing; it distorts all

* This famous saying originated with Sir Henry Wotton, who incurred the displeasure of his master, King James the First, by writing in an album, in Italy, this sentiment,—"An ambassador is an honest man, sent to lie abroad for the good of his country."—*See* Wordsworth's "Ecclesiastical Biography," ed. 1853, vol. iv., p. 90.

18 Feb. 1788. the faculties of the mind; it perverts it, and leaves a man no longer in the free use of his reason; it puts him into such a confusion that he has recourse to such miserable expedients as all those who are used to sit in the seat of judgment know have been the cause of detection of half the villanies in the world. God forbid that prudence, the supreme guide as well as first director of all the virtues, should ever be employed in the use of all the vices! No, it takes the lead of all, and never will be but where justice accompanies it; and if ever it is attempted to be brought into the service of the vices it immediately subverts their cause. It tends to the discovery of vice, and I hope and trust finally to its utter ruin and destruction.

Mr. Hastings' evasions of explanation relative to his receipt of presents.

I am to inform your Lordships that, when Mr. Hastings made these great discoveries to the court of Directors, he never told them who gave him the money—upon what occasion he received it—by what hands or to what purposes he employed it. In the first place the accounts he has given of this money are totally false and contradictory. Now one does not want more reason to judge of a transaction being fraudulent than that the accounts given of it are false. There is a presumption that the transaction is bad when the accounts are false; and Mr. Hastings has given three accounts, utterly irreconcileable with each other. He is asked, "How came you to take bonds for this money, if it was not your own? How came you to vitiate and corrupt the state of the Company's records, and to suppose you were a lender to the Company, when in reality you were their debtor?" His answer is, "I really cannot tell, I have forgotten my reasons; the distance of time is so great—namely, a time of about two years or not so long—I cannot give an account of the matter. Perhaps I had this motive; perhaps I had another; but what is the most curious—perhaps I had none at all which I can now recollect." This is the account which Mr. Hastings gives—his own fraudulent representation of a corrupt transaction:—

"For my motives for withholding the several receipts from the knowledge of the Council or of the court of Directors, and for taking bonds for part of these sums, and paying others into the treasury as deposits on my own account, I have generally accounted in my letter to the honourable court of Directors of the 22nd of May, 1782, namely, that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design, which my memory at that distance of time could verify; and that I did not think it worth my care to observe the same means with the rest. It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many parti-

culars had escaped my remembrance; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily, or with a strong probability, follow them."* 18 Feb. 1788.

My Lords, you see that he fairly gives up the explanation. He has used an artifice, a stratagem, which he knows will not do: he cannot account for it, and covers the treachery of his conduct by the treachery of his memory. Frequent applications were made to Mr. Hastings upon this article from the Company—gentle hints—*gemitus columbæ;* rather, little amorous complaints that he was not more open and communicative. But all those gentle insinuations were never able to bring any further account of this matter till he came to England. When he came here, he left, not only his memory, but all his notes and references behind in India. When he was in India, the Company could get no account because he was not in England; and, when he was in England, they could get no account because his papers were in India. So he sends over to Mr. Larkins to give that account of his affairs which he was not able to give himself. Observe, here is a man taking money, privately, corruptly, on the faith of its being sanctified by the future application, taking false securities to cover it, and who, when called upon to tell whom he got the money from, for what ends and on what occasion, neither will tell in India nor can tell in England, but sends for such an account as it has been thought proper to furnish.

And here, my Lords, begins an account of what I think much the most serious part of this transaction, which is, the effect of bribery, corruption and peculation. My Lords, I am first to state to you the astonishing and almost incredible means which Mr. Hastings made use of to lay all the country under contribution, to bring the whole of it into such dejection as should put his bribes out of the way of discovery. Such another example of boldness and contrivance I believe the world cannot furnish. I have already shown that he let the whole of the lands to farm to the banyas. Next, that, among the mass of his corruptions, he sold the whole Mohammedan government of that country to a woman. This was bold enough, one should think. But I am to tell your Lordships, without entering into the circumstances of the revenue charge in 1772, that he had appointed six provincial Councils, each consisting of many members, who

Provincial councils appointed by Mr. Hastings to collect the revenue.

* Letter from Mr. Hastings to the chairman of the court of Directors, dated 11th July, 1783. Printed for the committee of the House of Commons, in 1787.

18 Feb. 1788. had the ordinary administration of civil justice in that country, and the whole business of the collection of the revenues. Those provincial Councils accounted to the Governor General and Council, who, in the revenue department, had the whole management, control and regulation, of the revenue. Mr. Hastings did in several papers to the court of Directors declare that, which at first he stated only as experimental, to have proved useful in the experiment. And, on that use and upon that experiment, he had sent even the plan of an act of Parliament, to have it confirmed with the last and most sacred authority of this country. The court of Directors desired that, if he thought any other method more proper, he would send it to them for their approbation and for his instruction in his conduct.

Mr. Hastings' preponderance in the Council of Bengal.

Thus the whole face of the British government, the whole of its order and constitution, remained from 1772 to 1781. He had got rid some time before by death of General Clavering, by death of Colonel Monson, and by vexation, persecution and dereliction of authority, he had shaken off Mr. Francis. The whole Council therefore consisting only of himself and Mr. Wheeler, he, having the casting vote, was the whole Council; and, if ever there was a time when principle, decency and decorum, rendered it improper for him to take any extraordinary acts without the sanction of the court of Directors, that was the time. Mr. Wheeler was taken off. Despair perhaps rendered the man who had been in opposition futilely before compliable. The man is dead. He certainly did not oppose Mr. Hastings: if he had it would have been in vain. But those very circumstances which rendered it atrocious in Mr. Hastings to make any change, induced him to make this. He thought that a moment's time was not to be lost; that other colleagues might come where he might be overpowered by majority again, and not be able to pursue his corrupt plans. Therefore he resolved—your Lordships will remark the whole of the systematic plan; it is the most daring bribery and peculation that ever was—he resolved to put it out of the power of his Council in future to check or control him in any of his evil practices. The first thing he did was to form an apparent Council for the management of the revenues, in which they were not bound, except they thought fit, to make any effectual reference to the supreme Council. He delegated to them, that is, to four covenanted servants of the Company, those functions which, by act of Parliament and by the Company's orders, were to be exercised by the

His suppression of the provincial Councils, and delegation of power to a Council appointed by himself.

Council. He delegated to four gentlemen, creatures of his own, his own powers; but he laid them out to good interest. It appears odd that one of the first acts of a Governor General, so jealous of his power as he is known to be, when he had all the power in his own hands, should be to put all the revenues out of his own power. That upon the first view is an extraordinary proceeding. Then his next step was, without apprising the court of Directors of his intention, or giving an idea of any such intention to his colleagues while they were alive, or before they returned to Europe, in a moment, in one day, to suppress and annihilate the whole authority of the provincial Councils, and to delegate the whole power to those four gentlemen. Those four gentlemen had for their secretary an agent, given to them by Mr. Hastings—a name that you will often hear of—a name at the sound of which all India turns pale—the most wicked, the most atrocious, the boldest, the most dexterous, villain that ever the rank servitude of that country has produced. My Lords, I am speaking with the utmost freedom, because there never was a friend of Mr. Hastings, there never was a foe of Mr. Hastings, there never was any human person, that ever differed on this occasion or expressed any other idea of Gunga Govind Sing, the friend of Mr. Hastings, whom he intrusted with this important post. But you shall hear, from the account given by themselves, what the Council thought of their functions, of their efficiency for the charge, and in whose hands it really was. I beg, hope and trust, that your Lordships will hear from the persons themselves, who were appointed to execute the office, their opinion of the real execution of it, that you may judge of the plan for which Mr. Hastings destroyed the whole English administration in India:

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He appoints Gunga Govind Sing their secretary.

Objections of the Council to their diwan or agent.

"The committee must have a dewan, or executive officer—call him by what name you please. This man, in fact, has all the revenue paid at the Presidency at his disposal; and can, if he has any abilities, bring all the renters under contribution. It is little advantage to restrain the committee themselves from bribery or corruption, when their executive officer has the power of practising both undetected. To display the arts employed by a native on such occasions would fill a volume. He discovers the secret resources of the zemindars and renters, their enemies and competitors; and by the engines of hope and fear, raised upon these foundations, he can work them to his purpose. The committee, with the best intentions, best abilities, and steadiest application, must after all be a tool in the hands of their dewan." *

* Quoted from Shore's "Remarks on the Mode of administering Justice to the Natives in Bengal, and on the Collection of the Revenues;" accompanying a Minute of the Governor General, dated 18th May, 1785. Ordered to be printed for the House of Commons on the 13th of April, 1786.

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The Council the tool of Gunga Govind Sing.

Your Lordships see what the opinion of the Council was of their own constitution; you see what they are made for; You see for what purposes the great revenue trust is taken from the Council general, from the supreme government; you see for what purposes the executive power is destroyed; you have it from one of the gentlemen of this commission, at first four in number and afterwards five, who was the most active, efficient, member of it; you see that it is made for the purpose of being a tool in the hands of Gunga Govind Sing; that integrity, ability and vigilance, is nothing; and the whole country may be laid under contribution by that person who can thus practise bribery with impunity. Therefore your Lordships see that the delegation is given by Mr. Hastings of all the authority of the country, above and below, to this Gunga Govind Sing. The screen, the veil, spread before this transaction is torn open by the very people themselves who are the tools. They know they can do nothing. They know they are tools in the hands of Gunga Govind Sing; and Mr. Hastings uses his name and authority to make them tools in the hands of the basest, the wickedest, the corruptest, the most audacious and atrocious villain ever heard of. It is to him all the English authority is sacrificed: and four gentlemen are appointed to be his tools and instruments. Tools and instruments for what? They themselves state that, if he has the intention, he has the power and ability to lay the whole country under contribution; that he enters into their most minute secrets, gets to the bottom of their family affairs, and has a power totally to subvert and destroy their families. And we shall show, upon that head, that he well fulfilled the offices for which he was appointed. Did Mr. Hastings pretend to say that he destroyed the provincial Councils for their corruptness or inefficiency when he dissolved them? No; he says he has no objection to their competency, no charge to make against their conduct, but that he has destroyed them for his new arrangement. And what is his new arrangement? Gunga Govind Sing! Forty English gentlemen were removed from their offices by that change. Mr. Hastings did it, however, very economically; for all those gentlemen were instantly put upon pensions, and consequently burdened the establishment with a new charge.

Cost of the Council.

Well! but the new Council was formed and constituted upon a very economical principle. These five gentlemen—you will have it in proof—with the necessary expenses of their office, were a charge of 62,000*l.* a year upon the establishment. But for great, eminent, capital, services,

62,000*l.*, though a much larger sum than what was thought fit to be allowed for the members of the Supreme Council itself, I will admit—I will pass it. It shall be granted to Mr. Hastings that the pensions of all the Council, which created a new burden on the establishment, were all well disposed, provided the Council did their duty. But hear what they say themselves. They are not there put to do any duty; they can do no duty; their integrity avails them nothing; they are tools in the hand of Gunga Govind Sing. Then Mr. Hastings has loaded the revenue with 62,000*l.* a year to make Gunga Govind Sing master of the kingdoms of Bengal, Behar and Orissa. What must the machinery be, what must be the thing to be moved, when it has cost in tools for Gunga Govind Sing 62,000*l.* a year to the Company? There is the thing. It is not my representation, not the representation of observant strangers, of good and decent people that understand the nature of that service, but it is the opinion of the tools themselves, that they could be nothing else than tools in that situation. Tools to whom? To the worst, to the most dangerous, of men; for, if he has abilities, those abilities he can pervert to the worst of purposes. 18 FEB. 1788.

Now, did Mr. Hastings employ this man without a knowledge of his character? His character was known to Mr. Hastings; it was recorded long before: he was turned out of another office. Mr. Hastings says:—"It is true the man is generally ill spoken of; but," says he, "nothing particular that I know of is laid to his charge; nobody denies his abilities." Now, if anything in the world should induce you to put the whole trust of the revenues of Bengal, both above and below, into a man's hands, and to delegate to him all the jurisdiction, it must be that he was at least a man of integrity, or reputed to be a man of integrity. Mr. Hastings does not pretend that he is reputed to be a man of integrity. He knew that he was turned out of office by others, and that he was not able to contradict the charge brought against him. He knew that he was turned out of office by his colleagues, and for reasons assigned upon record and approved by the Directors, for malversation in office before He had crept again into the Calcutta committee; and they were upon the point of turning him out for malversation, when Mr. Hastings saved them the trouble by turning them out. So that, in all times, in all characters, in all places,

Mr. Hastings was aware of Gunga Govind Sing's bad character.

18 Feb. 1788. he stood as a man of a bad character and evil repute, without going a bit further, though supposed to be a man of great abilities.

Bad men not available for good service.

My Lords, permit me for one moment to drop my representative character here, and to speak to your Lordships only as a man of much experience in the world, and conversant with the affairs and with the characters of men. I do then declare, and wish it may stand recorded to posterity, that there never was a bad man that had ability for good service. It is not the nature of such men. Their minds are so distorted to selfish purposes, to knavish, artificial and crafty, means of accomplishing those selfish ends, that if put to any good service they are poor, dull, helpless. Their natural faculties never have that direction; they are paralytic on that side; the muscles, if I may use the expression, that ought to move it are all gone. They know nothing but how to pursue selfish ends by wicked and indirect means. No man ever knowingly employed a bad man on account of his abilities but for evil ends. Mr. Hastings knew this man to be bad; all the world knew him to be bad; and how did Mr. Hastings employ him? In a manner that he might be controlled by others? A great deal might be said for that. There might be circumstances in which such a man might be used in a subordinate capacity. But who ever thought of putting such a man at the head of the whole, and the Council general under him?

Gunga Govind Sing employed in taking bribes for Mr. Hastings.

My Lords, as soon as we find Gunga Govind Sing here, we find him employed in the way in which he was meant to be employed; that is to say, we find him employed in taking corrupt bribes and corrupt presents for Mr. Hastings. Though the committee were tools in his hands, he was a tool in the hands of Mr. Hastings; for he had, as we shall prove, constant, uniform and close, communications with Mr. Hastings. And, indeed, we may be saved a good deal of the trouble of proof; for Mr. Hastings himself, by acknowledging him to be his broker, has pretty well authenticated a secret correspondence between them. Mr. Larkins was written to by Mr. Hastings, in consequence of the frequent, pressing, tender, solicitations of the court of Directors, which they always insinuated to him in a very delicate manner. He writes to Mr. Larkins to find out, if

Account by Mr. Larkins of some of the bribes.

he can, some of his bribes. And accordingly Mr. Larkins has sent over an account of various bribes, an account which,

even before it comes directly in evidence before you, it will be pleasant for your Lordships to read. In this account, under the head "Dinagepore, No. 1," I find:— 18 FEB. 1788.

"Duplicate copy of the particulars of debts, in which the component parts of sundry sums received in the account of the Honourable Company of Merchants trading to the East Indies, were received by Mr. Hastings, and paid to the sub-treasurer."* A sum of 30,000*l.* received from Dinagepore.

Here are a number of payments. We find here, "Dinagepore, peshcush,† four lacs of rupees—cabuleat;" that is, an agreement to pay him four lacs of rupees, of which three were received, and one remained in balance at the time this account was made out. All that we know from this account, after all these researches, after all the court of Directors could do to squeeze it out of him, is, that he received from Dinagepore, at twelve monthly payments, a sum of about three lacs of rupees, upon an engagement to pay him four; that is, an engagement to pay him 40,000*l.*, of which he received about 30,000*l.* And we are told that he received this sum through the hands of Gunga Govind Sing; and that, besides receiving this through his hands, he was exceedingly angry with Gunga Govind Sing for having kept back or defrauded him of the sum of 10,000*l.* out of the 40,000*l.* This was very reprehensible behaviour in Gunga Govind Sing, certainly very unworthy of the great and high trust which Mr. Hastings reposed in his integrity, to keep back from him the fourth part of his whole bribe. My Lords, this letter tells us that Mr. Hastings was much irritated at Gunga Govind Sing. You will hereafter see how Mr. Hastings behaves to persons against whom he is irritated, for their frauds upon him in their joint concerns. In the meantime Gunga Govind Sing rests with you as a person with whom Mr. Hastings is displeased on account of infidelity in the honourable trust of bribe undertaker and manager.

My Lords, you are not very much enlightened, I believe, by seeing these words, "Dinagepore, peshcush." We find a province; we find a sum of money; we find an agent; and we find a receiver. The province is Dinagepore; the agent is Gunga Govind Sing; the sum agreed on is 40,000*l.*; and the receiver of a part of that is Mr. Hastings. That is all that we have seen. It is murder by persons unknown. Who it was Obscurity of the statement relative to the bribe.

* Transmitted in a letter from Mr. Larkins to the Chairman of the Company, dated 5th August, 1786, and printed for the House of Commons in 1787.

† The fine paid by a zamindar on his investiture.

18 FEB. 1788. that gave this sum of money to Mr. Hastings in this manner does in no way appear. And this is the way in which Mr. Hastings, after all the reiterated solicitations of Parliament, of the Company and the public, has lost this bribe. And so it is with respect to most of the bribes. But yet we have discovered most of them, though there is some complexity in them.

Then, my Lords, the best way is to see what the state of transactions at Dinagepore was at that period. For if Mr. Hastings, in the transactions at that period, did anything for that district, it must be presumed that this money was given for those acts; for Mr. Hastings confesses it was a sum of money corruptly received, but honestly applied. It does not signify much at first view from whom he received it; it is enough to fix it that he did receive it. But, because the consequences of his bribes make the main part of what I intend to bring before your Lordships, I shall beg to state to you, with your indulgence, what I have been able to discover, by a very close investigation of the records, respecting this business of Dinagepore.

Explanation of the circumstances of the Dinagepore bribe.

Dinagepore, Rungpore and Edrackpore (?), make a country, I believe, pretty nearly as large as all the northern counties of England, Yorkshire included. It is no mean country; and it has a prince of great, ancient, illustrious, descent at the head of it, called the Raja of Dinagepore.

Question of succession to the Raja decided by Mr Hastings.

I find that, about the month of July, 1780, the Raja of Dinagepore, after a long and lingering illness, died, leaving a half-brother and an adopted son. A litigation as to the succession instantly arose in the family; and this litigation was naturally referred to, and was finally decided by, the Governor General in Council, he being the ultimate authority for all these questions there. This cause came before Mr. Hastings; and I find that he decided the question in favour of the adopted son of the Raja against his half-brother. I find that, upon that decision, a rent was settled and a

A fine paid on the decision.

peshcush or fine paid. So that all that is in this transaction is fair and above board. There is a dispute settled; there is a fine paid; there is a rent reserved to the Company; and the whole is a fair settlement. But I find along with it very extraordinary acts; for I find Mr. Hastings taking a part in favour of the minor, agreeably to the principles of

Mr. Hastings gives the guardianship of the minor to the Rani's brother.

others and contrary to his own. I find that he gave the guardianship of this adopted son to the brother of the Rani, as she is called, or the wife of the late Raja deceased. He was not her adopted son; but Mr. Hastings gave the

guardianship to her brother. And I find that, when the steward of the province of Dinagepore was coming down to represent this case to Mr. Hastings, Mr. Hastings, so far from hearing fully all the parties in this business, not only sent him back, but ordered him to be actually turned out of his office, because it tended only to increase the family dissensions, though the settling that matter was actually a part of the duty of his office. So I find that, if the sum of 40,000*l.* which Mr. Hastings took at that time, in 1780, to which this account seems to refer—for it begins in July, 1780, and ends at the same period in 1781, there being regular payments—be the sum of money received by him from the Raja, this account refers to a sum of money corruptly taken by him as a judge in a litigation respecting an inheritance between two great parties. So that he received the sum of 40,000*l.* for a judgment, which, whether that judgment was right or wrong, true or false, he corruptly received. He received it, as your Lordships will observe, through Gunga Govind Sing. He was the broker of the agreement—he was the person who was to receive it by monthly instalments; and he was to pay it to Mr. Hastings. Now Gunga Govind Sing's son was in the office of registrar general of the whole country; who had in his custody all the papers, documents, and everything which could tend to settle the litigation among the parties. So that, if Mr. Hastings took this bribe from the Raja of Dinagepore, he took a bribe from an infant of five years old through the hands of the registrar who had the keeping of the genealogies of the family, whose opinion, record and documents, must have a great, if not the whole, share, in settling the question. The judge therefore receives a bribe through the hands of the keeper of the register of the cause in suit. This is the history of this Dinagepore peshcush: not the public one received from the country—for that is entered upon the records—but the private one.

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Bribe taken by Mr. Hastings.

Received through Gunga Govind Sing.

My Lords, very soon after this decision, very soon after the peshcush was given, we find all the officers under the Raja were turned out of their employment by Gunga Govind Sing, by the very man who received the peshcush for Mr. Hastings—if he did receive it. We find them all turned out of their employments; we find them all accused, without any appearance or trace in the records of any proof of embezzlement, of neglect in the education of the minor Raja, of the mismanagement of his affairs, or the allotment of an unsuitable allowance. And accordingly, to prevent the rela-

Officers under the Raja ejected by Gunga Govind Sing.

18 Feb. 1788. tions of his adopted mother—to prevent those who might be supposed to have an immediate interest in the family—from abusing the trust of his education and the trust of the management of his fortune, Gunga Govind Sing—for I trust your Lordships would not suffer me, if I had a mind, to quote that tool of a thing, the committee of revenue, bought at 62,000*l.* a year, you would not suffer me to name it, especially when you know all the secret agency of bribes in the hands of Gunga Govind Sing—this Gunga Govind Sing produces soon after another character.

I will do Mr. Hastings the justice to say that, if he had known there was another man more accomplished in all iniquity than Gunga Govind Sing, he would not have given him the first place in his confidence. But there is another next to him in the country, whom you are to hear of by-and-by, called Deby Sing. This person, in the universal opinion of mankind, is ranked next to Gunga Govind Sing; and, what is very curious, they had been as rivals in virtue—

Character of Deby Sing.

> "Arcades ambo,
> Et cantare pares et respondere parati."

But Mr. Hastings has the happiest modes in the world. These rivals were reconciled on this occasion; and Gunga Govind Sing appoints Deby Sing, superseding all the other officers for no reason whatever upon record. He puts the guardianship into the hands of Deby Sing; but because, like champions, they ought to go in pairs, there is an English gentleman, one Mr. Goodlad—whom you will hear of presently—appointed along with him. They were absolute strangers to the Raja's family; and the first act they do is to cut off 1,000*l.* out of 1,600*l.* a month from his allowance. They state, though there were a great number of dependents to maintain, that 600*l.* would be enough to maintain them. There is such a flutter about the care of the Raja and the management of his household—there never was, in short, such a tender guardianship as is exercised, always with the knowledge of Mr. Hastings, over this poor Raja, who had just given 40,000*l.*—if he did give 40,000*l.*—for his own inheritance, if it was his due—for the inheritance of others if it was not his due. One would think he was intitled to some mercy; but, probably because that money could not come out of the surplus of his affairs, his establishment was cut down by Deby Sing and Mr. Goodlad a thousand a month, which is just twelve thousand a year.

Deby Sing and Mr. Goodlad appointed guardians of the Raja.

They reduce his allowance.

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When Mr. Hastings had appointed those persons to the guardianship, who had an interest in the management of the Raja's education and fortune, one should have thought, before they were turned out, he would at least have examined whether it was proper or not that they should be turned out. No; they were turned out; and when I come to inquire into the proceedings of Gunga Govind Sing's committee, I do not find that the new guardians have brought to account one single shilling that they received, appointed as they were by that Council newly made to superintend all the affairs of the Raja. There is not one word to be found of an account. Deby Sing's honour, fidelity and disinterestedness, and that of Mr. Goodlad, is sufficient. And that is the way in which the management and superintendence of one of the greatest houses in that country is given to the guardianship of strangers. And how is it managed? We find Deby Sing in possession of the Raja's family, in possession of his affairs, in the management of his whole zamindary; and, in the course of the next year, he is to give him in farm the whole of the revenues of these three provinces. Now it is possible that the peshcush was not received as a bribe for the nomination of the Raja—not as a bribe in judgment, but as a bribe in office—which is best or worst I shall not pretend to determine—that Mr. Hastings got it from Deby Sing for appointing him to the guardianship of a family that did not belong to him, and for the dominion of three great, vast and flourishing, provinces. You find the Raja in his possession; you find his education, his household, in his possession. Now the public revenues are in his possession; they are given over to him. This makes it necessary for me to inform your Lordships who Deby Sing is.

No account rendered by the guardians.

The fine paid as a bribe by Deby Sing.

[*Mr. Burke read the committee's recommendation of Deby Sing to the Governor General and Council.*]

Here is a choice; here is Deby Sing presented for his knowledge in business, his trust and fidelity, and his being a person against whom no objection can be made. This is presented to Mr. Hastings; by him recorded in the Council books, and by him transmitted to the court of Directors. Mr. Hastings has since recorded that he knew this Deby Sing—though he here publicly authorises the nomination of him to all that great body of trusts—to be a man completely capable of the most atrocious iniquities that were ever charged upon man. Deby Sing is appointed to all those great trusts through the means of Gunga Govind Sing, from

Mr. Hastings aware of the corrupt character of Deby Sing.

18 Feb. 1788. whom Mr. Hastings had received 30,000*l.* as a part of a bribe.

Now, my Lords, though it is a large field, though it is a thing that, I must confess, I feel a reluctance almost in venturing to undertake, exhausted as I am, yet, such is the magnitude of the affair, such the evil consequences that happened from a system of bribery, such the horrible consequences of superseding all the persons in office in the country to give it into the hands of Deby Sing, that, though it is the public opinion, and though there is no man that has ever heard the name of Deby Sing that does not know that he was only second to Gunga Govind Sing, yet it is not to my purpose, unless I prove that Mr. Hastings knew his character at the very time he accepted him, as a person against whom no exception could be made. It is therefore necessary to inform your Lordships who this Deby Sing was, to whom these great trusts were committed and those great provinces given.

History of Deby Sing.

Deby Sing was a person of the tribe of banyas—originally, that is to say, of the trading and merchant caste in India; and he employed his first novitiate, his apprenticeship, in all the arts of getting money; and he allied himself to the patronage and protection of a great native, a man of a very different character, Mohammed Reza Khan. Whilst that great man had the management of the affairs of state and of revenue in his hands under the Company, Deby Sing paid his court to him, with all that assiduity and suppleness which those who have no useful talent or honourable disposition are seldom deficient in: and accordingly he made his way and got great interest with this powerful person. There is one circumstance that may be told to his advantage. When Mohammed Reza Khan was brought down by Mr. Hastings, under the orders of the court of Directors, upon a cruel charge, to Calcutta, Deby Sing lent him considerable sums of money; for this great man was accused of many crimes, and was acquitted 220,000*l.* in debt. That is to say, as soon as he became a great debtor he ceased to be a great criminal. Deby Sing, who had been useful to him upon that occasion, obtained his interest; and one of the first great concerns intrusted to him was the province of Purnea.

His government of the province of Purnea.

It is necessary to state how he showed himself worthy of that province and deserving of greater trusts. My Lords, he so well acquitted himself in that office that that province was totally ruined and left desolated. To give your Lord-

ships an idea of it in a few words, the revenue which he took at 160,000*l.* fell the next year to 90,000*l.* He could be got to remit but 90,000*l.*: it in reality produced but 60,000*l.* He had so completely dried up the source of all future revenue and almost all future production in that province that it produced but 60,000*l.*—not equal to half of what it had been originally let at. Now, when the farmers who came to this province afterwards—for a company of Calcutta banyas attempted to take it—and saw the squalid scenes of desolation that glared upon them in every part, they fled suddenly in a fright out of the province, and gave 12,000*l.* to be released from any share in it: so completely had Deby Sing done the business of this province. 18 Feb. 1788.

Discharged from the government by Mr. Hastings.

My Lords, the grievance was too manifest, the corruptions and oppression too abominable, to escape notice. And accordingly Mr. Hastings, in the year 1773,* discharges Deby Sing from the government and management of the province of Purnea, with a stigma upon him for his misconduct. This man is removed from his employment, but not from his profits. Stigmatised, but still in power, he obtains the office of diwan, or deputy steward, of the great province of Moorshedabad, the capital of the country, the seat of the old government, and the first province of the kingdom; in short, the whole power of diwan fell into his hands. His Council consisted of young men, rather like other young men, of pleasurable dispositions; but, like young men in India, willing to reconcile, if they could, the means of making a very considerable fortune with the ordinary means which are employed in ruining it, they wished to have a good deal of pleasure and a good fortune. But they were utterly inexperienced. Deby Sing took compassion upon their youth and inexperience, and endeavoured to lead them in the ways of profit and pleasure.

Appointed diwan of Moorshedabad.

His Council composed of young men.

He farms the tax on prostitutes.

There is a tax in that country which is much more productive than honourable, namely, a tax upon public prostitutes. Deby Sing farmed this tax, for two reasons; first, that no profit ever escaped him in any way; and next, because he thought it no insignificant means of power. Out of those ladies which he farmed he selected with care and industry, and with that ability for which he has been so much commended, those who had the greatest share of personal merit. To this personal merit he added, according

* In the month of September, 1772.—*Revised copy.*

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to the Eastern manner, a number of sweet and endearing names. The ladies were called, Mine of Gold, Pearl of Price, Ruby of Pure Blood, and all those pleasant Oriental names that, by the dissonance even and the discords of various contending passions, heightened the general harmony, and increased the vivid satisfactions of love with all the allurements of avarice. Deby Sing gave frequent entertainments. He carried this moving seraglio about with him wherever he went; and, whilst he supplied his customers liberally with the best wines of France, with an exquisite entertainment, with the perfumed India smoke, so that in the convivial enjoyments of Europe they had the blandishments of Asia, this great magician, chaste in the midst of dissoluteness, sober in the centre of debauch, and active in the lap of drowsiness, in such scenes brought forward business, to oblige those young men, who were not intentionally corrupt but rather to be blamed for the debaucheries of their youth: he brought them papers to sign, in a convivial hour, which they would never have been brought to sign in their sober senses. My Lords, this pander, this keeper of a legal brothel, becomes the master of the council of Allahabad: this man is chosen to superintend the education of the young Raja, and to lead him in the way of all piety, virtue and regularity.

He corrupts his Council by debaucheries, in order to obtain their connivance in his acts.

With these gentlemen, pleasures and agreeable entertainments, which this man knew very well how to manage, would not have done, if he had not found something for their necessities. Therefore, with small donations aptly applied, he obtained the total and entire government. And, accordingly, in various provinces—some considerable—but, on account of their uncouth names, I do not mean to trouble your Lordships with naming them, nor is it necessary—he got the farms under several names; sometimes appearing in in his own name; sometimes disappearing and shrouding himself under other names, as successful or defeated villany gave him confidence or made him timid. In this situation, every new trust was a new fraud, every farm that he took he ran in balances for, and oppressed the people; and, in one of them, for his peculations he was publicly whipped by proxy. These are the practices of the person that Mr. Hastings thought fit to choose for the farm of Rungpore.

The farm of Rungpore conferred upon him.

This farm of Rungpore was given to him with great apparent caution at an advanced rent. But this advanced rent he was to take great care should not be levied by any

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new contributions on the husbandmen, but by improvements of the country. And then this keeper of a brothel, this cheat in all former employments, this destroyer of Purnea, was sent to govern the three great countries of Dinagepore, Rungpore and Edrackpore (?) As soon as he went there he did not lose a moment in doing his duty. As to his covenant, if Mr. Hastings can forget his covenant, you may easily believe that Deby Sing had not a more correct memory; and accordingly, as soon as he came into the province, the first thing he did was to seize upon all the landed gentlemen and nobility of that country, to throw them all into prison, and there, in prison and in irons, oblige them to sign a paper for the increase of those rents which he had stipulated not to increase; and they were obliged to enter into those stipulations, under actual imprisonment and torture upon them and their principal servants.

His tyrannical administration of the province.

The next step that he took was to lay upon them an incredible number of new taxes, which he was by his covenant forbid to lay. Those taxes amounted to as much as the increased rent, and were in their nature the most vexatious and oppressive. I am afraid I trouble your Lordships, but it is a material part that I am now going to lay before you. The landed gentry and freeholders of that country, being obliged to sign these bonds, and being loaded with these taxes, became totally unable to pay. The next step was, upon their inability to pay, to sequester their lands. The lands of that province are of many sorts, but two principally --lands that pay rent, and lands that do not. Those that pay no rent are their demesne lands; the rest, from which they derive their consequence, pay rent and maintain their dependents. The first of these lands were sold. Sold for what? One year's purchase. The price of land in that country is ten years' purchase. Who were they sold to? Your Lordships are ready to anticipate me. They were sold to Deby Sing himself, through one of his under agents, for one year's purchase. They were collected together, and amounted in all to 7,000*l.* a year; but, according to the value of land in that country, I should not rate it at less than 30,000*l.* They were seized in this manner; sequestered into the hands of Deby Sing; taken at a year's purchase, and as much under value as the fee simple of an acre of land in England would be at seven or eight shillings. He was the fixer of it; and what the poor wretches received for the fee simple of their lands, out of the money extorted from

He increases the taxes.

Sequesters the lands.

Takes the lands into his own hands.

18 FEB. 1788. them, they put into a separate collection. The rents were raised, the value rose, and Deby Sing put it by to be a separate estate, either for himself or such person as Mr. Hastings might put upon it. The landholders were still in balances. The more they sold, the poorer they found themselves, because their resources were gone. Then he fell upon their goods. They were obliged to carry almost all their goods to market.

The greater number of the zamindars women.

There is a circumstance I may mention here that will call for your Lordships' pity. Most of the landholders or zamindars in that country happened at that time to be women. The sex there is in a state certainly of imprisonment, but guarded as a sacred treasure under all possible attention and respect. None of the coarse male hands of the law can reach them: but they have a custom, very cautiously and soberly used in all good governments there, of sending female bailiffs or serjeants into their houses. But, in this case, persons of either sex of that occupation went into their houses and became masters of them, and the men and women zamindars were obliged to fly the country.

Sale of lands set apart for maintenance of the poor,

Before they ran away they had a miserable spectacle before them; for there were sold at the same sale all the charitable lands which were set apart for the maintenance of the poor and helpless—for which they had often defrauded their own necessities: they saw all those lands sold before their faces at that same market of iniquity. There was more—there were things yet dearer to them—the poor consolations of imagination at death for all the substantial miseries of life—there were lands set apart for their funeral ceremonies: how dear they are to all the people of India I hope in further inquiries your Lordships will know. But this tyranny of Deby Sing, the agent of Mr. Hastings—this tyranny, more consuming than the funeral pile, more greedy than the grave, more harsh and inexorable than death itself, tore from them the last poor remains of consolation after they had lost their all; and they saw no prospect of ending life in a manner suitable to their several customs and religious opinions. These lands were confiscated; their houses deserted; their streets overgrown with weeds. I am speaking, not fiction, but things which are to come in proof before your Lordships. This was the manner in which all the principal gentry, all the second-rate gentry, all the women, and all the minors of that country, were cruelly destroyed.

and for funeral ceremonies.

But when we come to the poorer sort of people, the yeomen, the husbandmen, what was their situation? I dare say that their situation was ten thousand times worse, if possible. If there are degrees and gradations in utter ruin, their state was the worst; and you will hear in what particulars their state was worse even than that of the others. They were driven like a herd of cattle into the common prisons, and there they were obliged, as the principal zamindars had done, to sign recognizances to their ruin: they were let out only for their destruction. First, the exorbitant rent, and then such an intolerable variety of new taxes, coming every day in new shapes upon them, they were obliged to sell almost all the corn of the country to get rid of these demands at once; and, it happening to be a year of cheapness and the market being overloaded, their crops did not sell for more than one-fourth of their value. So that, with debts growing upon them which they were to pay in money, they came at last to their next resource, their cattle. They were obliged to hurry to market all their cattle; and of the cattle which were worth from 20*s.* to 25*s.*, five of them were known to sell for 20*s.*,* the market being so overloaded.

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His cruelty to the poorer people.

My Lords, the last thing that the people in that country will part with is the ornaments which the women wear upon their persons, and which they procure at the expense of pinching their bodies. Those who are so very poor that they cannot get a bit of gold, get something in imitation of it. They do not dress themselves with taste according to our mode, but their decoration is a resource to them upon an emergency; for, when they have got a bit of gold, it is not only a decoration, but may afford food for their families. Those ornaments were forced to market, and gold and silver sold at market twenty per cent. under their value; for gold and silver, forced to market, where there are none but fraudulent and wicked persons to buy, will not fetch their value.

Deby Sing himself, on being charged with this compulsory sale of all the effects, denies that such effects could have existed, on account of the wretchedness and poverty of the people. I will read to your Lordships his answer:—

"It is notorious," says he, "that poverty generally prevails amongst the husbandmen of Rungpore, more perhaps than in any other parts of

* "For not more than seven or eight shillings."—*Revised copy.*

13 FEB. 1788. the country. They are seldom possessed of any property except at the time they reap their harvest, and at others barely procure their subsistence. And this is the cause that such numbers of them were swept away by the famine. Their effects are only a little earthenware, and their houses only a handful of straw; the sale of a thousand of which would not perhaps produce twenty shillings."

My Lords, I produce this strong testimony, of the person who was himself concerned in racking these people, to the misery of their original situation. I know it does not answer his purpose; but I produce it to show what country it is, and from what people it is, that Mr. Hastings exacts bribes to the amount of 40,000*l.*, and to show that those who give bribes of 40,000*l.* must sink four times that sum to pay them.

The people ruined by usurers, in attempting to meet demands of Deby Sing.

The people, while harassed in this manner, called upon daily and hourly for sums they could not pay, fell into that dreadful resource of misery, the hands of usurers. Usurers are a bad resource at any time and in any circumstances; but these usurers, to the natural hardness of that kind and description of men, added that which makes people ten times more hard, that is, their own necessities. They had very little security to hold for what they lent against the oppressions of power, and they made their terms accordingly. And what were these poor people obliged to pay to answer the bribes and peshcush paid to Mr. Hastings? Five, ten, twenty, fifty per cent.? No, six hundred per cent. by the year, to be made in daily payments taken from the people whom you have heard described—plucked as it were out of their mouths—the hard hand of usury being the only resource against the cruel scourge of oppression. The poor, unfortunate, people, in this way stripped of everything, their corn, their cattle, their instruments of husbandry, from which any future hope was to arise, were then dragged to their own miserable hovels or houses, and there they saw the last hope burnt to the ground before them. It was not a severe, a rigorous, collection of the revenue; it was cruel and savage war made upon the country. This is all in proof.*

* The evidence on which these statements are made will be found in the Reports of Mr. Paterson, commissioned to inquire into the causes of the disturbances in the province of Rungpore. These were offered in evidence by the Managers of the prosecution, but it was ruled by the court, "That it is not competent for the Managers for the Commons to give evidence of the enormities actually committed by Deby Sing, the same not being charged in the impeachment."—(Minutes of Evidence, p. 1251.) They are entered, however, in a MS. volume (which will hereafter be deposited in the British Museum), containing the proceedings of the committee of revenue on the inquiry into the causes of the late disturbances in Rungpore, pages 131 *et seqq.*

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Then there remained to the unhappy people of that country but two things—their families and their bodies. It is well known that men generally cling to domestic satisfactions in proportion as they are deprived of other advantages. My Lords, the most tender parents sold their children; the most jealously affectionate husbands sold their wives; and they thought that it was a tolerable escape from famine into servitude. This was the case of the people with regard to their families. There then remained their persons.

And driven to sell their wives and children.

My Lords, I am obliged to make use of some apology for the horrid scenes that I am now going to open to you. You have had enough, you have had perhaps more than enough, of oppressions upon property and oppressions upon liberty—but here the skin was touched. And, my Lords, permit me to make as my apology to you, that which Commissioner Paterson made—a man with respect to whom I wish that, if ever my name should be mentioned hereafter, it may go down along with his in the same apology, and if possible in second-rate merit as to the same acts. His apology is this, and it is my apology and the apology of us all:—

Apology for recital of horrors.

"That the punishments inflicted upon the ryots of both Rungpore and Dinagepore for non-payment were in many instances of such a nature that I would rather wish to draw a veil over them than shock your feelings by the detail. But, however disagreeable the task may be to myself, it is absolutely necessary, for the sake of justice, humanity and the honour of government, that they should be exposed, to be prevented in future."*

Let this be my anticipated apology. It is indeed a most disgraceful scene to human nature that I am going to display to you.

My Lords, when the people were stripped of everything, of all that they publicly possessed, it was suspected, and in some cases suspected justly, that the poor, unfortunate, husbandmen had hid in the deserts, disseminated through that country, some share of grain, for subsistence in unproductive months and for seed for future grain. Their bodies were then applied to. The first mode of torture was this:—They began by winding cords about their fingers until they had become incorporated together, and then they hammered

The people subjected to bodily tortures.

* Mr. Paterson's Report, from which this passage is extracted, and which, with the papers accompanying it, furnishes Mr. Burke with the facts on which his subsequent description of the cruelties practised on the inhabitants of Rungpore and Dinagepore is founded, is dated on the 22nd of September, 1783, and will be found in the MS. volume referred to above, p. 292.

18 Feb. 1788. wedges of wood and iron between those fingers, until they crushed and maimed those poor, honest, laborious, hands, which never had been lifted to their own mouths but with the scanty supply of the product of their own labour. These are the hands which are so treated, which have for fifteen years furnished the investment for China from which your Lordships, and all this auditory, and all this country, have every day for these fifteen years made that luxurious meal with which we all commence the day. And what was the return of Britain? Cords, hammers, wedges, tortures and maimings, were the return that the British government made to those laborious hands. However, these crippled, undone, hands are in a situation in which they will act with resistless power when they are lifted up to heaven against the authors of their oppression. Then what can withstand such hands? Can the power that crushed and destroyed them? Powerful in prayer, let us at least deprecate and secure ourselves from the vengeance which will follow those who mashed, crippled and disabled, these hands. My Lords, it is a serious thought; for God's sake let us think of it.

They began there, but there they did not stop. The heads of villages, the parochial magistrates, the leading yeomen of the country, respectable for their situation and their age, were taken and tied together by the feet, two and two, thrown over a bar, and there beaten with bamboo canes upon the soles of their feet until their nails started from their toes. And then, falling upon them, while their heads hung down as their feet were above, with sticks and cudgels, their tormentors attacked them with such blind fury that the blood ran out of their mouths, eyes and noses. This was the second step that they took with these unfortunate people.

Refinements of torture.

My Lords, they did not stop there. Bamboos, ratans, canes, common whips and scourges, were not sufficient. I find that there is a tree in that country which bears strong and sharp thorns, which cruelly lacerate the flesh. They were not satisfied with ordinary whips, scourges and torments; but they got branches of this bale tree, as it is called, and scourged these poor people with the thorns, so that mere simple beating and whipping might appear to be mercy in comparison with it. But, refining in their cruelty, searching everything through the devious paths of nature, where she seems to have forgotten her usual plan, and produces things unfavourable to the life of man, they found a poisonous plant called the bechettea plant—a plant which is a deadly

caustic, which inflames the parts that are cut, and leaves the body a crust of leprous sores, and often causes death itself. With rods made of this plant they scourged the people whom they had scourged before. 18 FEB. 1788.

This, one would think, would have satisfied any ordinary cruelty. But we are so made that even the pains of the body fortify it for other pains. The mind strengthens as the body suffers, and rises as it were with an elastic force against those that inflict torments upon it. The mind gets the better of the body. Its pains give it spirit, and it defies the oppressor. These people were dealt with in another manner. There are people who can bear their own torture who cannot bear the sufferings of their families. The innocent children were brought out and scourged before the faces of their parents; young persons were cruelly scourged, both male and female, in the presence of their parents. This was not all. They bound the father and son face to face, arm to arm, body to body; and in that situation they scourged and whipped them, in order, with a refinement of cruelty, that every blow that escaped the father should fall upon the son, that every stroke that escaped the son should strike upon the parent; so that, where they did not lacerate and tear the sense, they should wound the sensibilities and sympathies of nature. This was the common and every-day practice in this country for a long time. But, my Lords, there was more. Virgins, whose fathers kept them from the sight of the sun, were dragged into the public court, that court which was the natural refuge against all wrong, against all oppression, and all iniquity. There, in the presence of day, in the public court, vainly invoking its justice, while their shrieks were mingled with the cries and groans of an indignant people, those virgins were cruelly violated by the basest and wickedest of mankind. It did not end there. The wives of the people of the country only differed in this, that they lost their honour in the bottom of the most cruel dungeons, where all their torments were a little buried from the view of mankind. They were not always left there, though there they suffered those cruel and outrageous wrongs—wrongs to the people, to their manners, to the bodies and feelings of mankind: but they were dragged out, naked and exposed to the public view, and scourged before all the people. Here in my hand is my authority; for otherwise one would think it almost incredible. But it did not end there. In order that nature might be violated in all those circumstances

Cruelties to women and children.

18 FEB. 1788. where the sympathies of nature are awakened, where the remembrances of our infancy and all our tender remembrances are combined, they put the nipples of the women into the sharp edges of split bamboos and tore them from their bodies. Grown from ferocity to ferocity, from cruelty to cruelty, they applied burning torches and cruel slow fires—my Lords, I am ashamed to go further—those infernal fiends, in defiance of everything divine and human, planted death in the source of life; and where that modesty, which more distinguishes man even than his rational nature from the base creation, turns from the view and dare not meet the expression, dared those infernal fiends execute their cruel and nefarious tortures—where the modesty of nature and the sanctity of justice dare not follow them or even describe their practices.

These, my Lords, were the horrors that arose from bribery—the cruelties that arose from giving power into the hands of such persons as Deby Sing and such infernal villains as Gunga Govind Sing.

Further particulars of the torture of the peasants.

My Lords, I forgot to mention to you one circumstance—though I rather think you must be tired of those scenes of horror and cruelty—but, that you may know the length, breadth and depth, of this iniquity, and all this horrid system of nefarious peculation, I will mention a thing still more shocking. They took those unfortunate husbandmen, whom they imprisoned, they whipped them before they went into prison—my Lords, I assure you that these details are not pleasant to myself, but they are necessary—these men were very often brought by night into prison and whipped on going into prison: and, at those moments when nature takes refuge from all the miseries of life, while in a state of insensibility, they were awoke to be whipped again, and the watches of the night were established by a new succession of torments. The next morning, in winter time, when the country was quite destroyed, as if it were desolated by the frosts, which to us would not be so terrible but which to them are terrible, they were plunged into cold water, whipped upon their bodies, made tenfold more sensible by the cold, and then led out to wander in their villages to see if they could raise anything by the charity of the few remaining inhabitants, who had escaped the same torments but expected them every day. Days of such exposure and nights of such torture made the whole vicissitudes of day and night to these people for many months together.

Rebellion of the province of Rungpore.

My Lords, the people of India are patience itself; their

patience is too criminal. But here they burst at once into a wild, universal, uproar and unarmed rebellion. The whole province of Rungpore and a great part of Dinagepore broke out into one general rebellion and revolt. The people fell—as commonly happens—upon those who were least guilty. They destroyed the subordinate instruments of tyranny. My Lords, Mr. Goodlad, who had been a patient witness of all these cruelties, to say no more, was not a patient witness of the rebellion. He immediately sent for a British officer and some troops. You may easily conceive how soon the regular troops got the better of all the resources of unarmed despair. The people were conquered and vanquished in the field; slaughtered wherever they were met: and Mr. Goodlad ordered that those miserable people—two or three, I think, he mentions—should be taken, without process of law, without form, without proof of guilt, to be publicly hanged up; and hanged up they were.

The country rose in this rebellion. It was feared that it would extend into every part of the country; and Mr. Goodlad was obliged to write down to Calcutta, that there never was so serious a rebellion in Bengal.* This was in 1773 [1783]. This made a great noise in Calcutta. But such a gulf for intelligence is there between us and Calcutta, that I dare say of all my noble and intelligent auditors very few of them have ever heard of this business. On the contrary, it is a constant rule that, when everything is quiet in Bengal—all sullen despair and bought acquiescence—there is supposed to be perfect content and satisfaction. But here the veil was torn; the inside of the Bengal government was exposed to view; and though not in the same degree, because the same rebellion and revolt did not break out, I have reason to suppose that, more or less, this has been the situation of all the parts of the country which were subject to the government of Gunga Govind Sing.

The Council of Bengal determine to send commissioners to inquire into the state of the province.

The Council, who were the tools of Gunga Govind Sing, when they heard of the state of affairs, thought it was not proper to pass by such a revolt as was represented by this Mr. Goodlad. Not knowing from whence it arose, they thought it arose from a disposition in the zamindars and the husbandmen not to pay any more rent. But, however, that did not appear quite satisfactory even to this Council. They

* See Goodlad's letter to the Committee of Revenue, dated Rungpore, 27th January, 1783, in the MS. volume, p. 1.

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They seek for one who will stifle the inquiry.

thought it was necessary to send up, for mere decorum, a commissioner, to examine into the matter; and they cast about them to find a man who was fit to be a good, quiet, representer of affairs; so that at least, passing through his channel, all the atrocity, the wickedness, should be done away; that it should come to a few, naked, speculative facts, if possible. Accordingly they found out in the settlement a servant of the Company, of tolerable standing, of very fair character, reputed to be a man of moderation almost to excess—a man, mild, quiet, gentle, unconnected with parties, of a moderate, peaceable, character. They thought that just such a man was exactly the man for their purpose; and they took it for granted that from him they might expect a neutralised, balanced, colourless, account, in which faults should be laid on both sides, in which oblivion should be recommended as the best remedy for suffering, retrospection only tending to raise difficulties; and that, at last, the criminal should be left in possession of the plunder of the country, and the people in possession of their patience.

Character of Mr. Paterson, the commissioner.

That plan was very well conceived in every respect; but never were men so wofully mistaken in the world. Mr. Paterson, under this tame and placid outside, concealed a vigorous mind, an enlightened and deciding understanding, and a feeling heart. My Lords, he is the son of a gentleman of venerable age and excellent character in this country, who long filled the seat of chairman of the committee of supply in the House of Commons, and who is now enjoying repose from his long labours in an honourable age. The son, as soon as he was appointed to this commission, was awed by and dreaded the consequences. He knew to what temptation he would be exposed, from the known character of Deby Sing, to suppress or to misrepresent facts. He therefore took out a letter that he had from his father; which letter was the preservation of his character and the destruction of his fortune. This letter he always resorted to in all trying emergencies of his life. He laid this letter before him, and there was enjoined such a line of integrity, of incorruption, of bearing every degree of persecution rather than disguising truth, that he went up into the country in a proper frame of mind for doing his duty.

Mr. Paterson's report of the state of the country.

I shall beg leave to state to your Lordships his ideas of the country at the first view of it. He says:—

"In my two reports I have set forth in a general manner the oppressions which provoked the ryots to rise: I shall therefore not enumerate them

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now. Every day of my inquiry served but to confirm the facts. The wonder would have been if they had not risen. It was not collection, but real robbery, aggravated by corporal punishment and every insult of disgrace; and this, not confined to a few, but extended over every individual. Let the mind of man be ever so much inured to servitude, still there is a point where oppressions will rouse it to resistance. Conceive to yourselves what must be the situation of a ryot when he sees everything he has in the world seized to answer an exaggerated demand, and sold at so low a price as not to answer one-half of that demand; when he finds himself so far from being released, that he remains still subject to corporal punishment. But what must be his feelings when his tyrant, seeing that kind of severity of no avail, adds family disgrace and loss of caste? You, gentlemen, who know the reserve of the natives in whatever concerns their women and their attachment to their castes, must allow the full effect of these prejudices under such circumstances." *

Effects of loss of caste.

These horrid and nefarious cruelties, which it has fallen unfortunately to my lot to state to your Lordships, implied loss of caste to those persons. Your Lordships remember that I stated that loss of caste there amounts to much more than a complete excommunication, a complete outlawry and a complete attainder, would do in this country. The men and the women who have lost their caste are no longer the children of their parents; their children are no longer their children; all their community of life is lost; and if they can survive, it can be only amid the occupations of the lowest and basest of mankind. Such is loss of caste. My Lords, there was an instrument of torture still worse to their minds than any that I have yet stated. There is a kind of pillory in use in that country, which consists in the person being put upon a bullock, and, with drums beating, this bullock is driven through the country. And, when brahmans have been seized to be exposed to that indignity, they have supplicated rather that a cruel whipping should be substituted in the place of that ruinous disgrace. However, such disgrace was actually inflicted, and loss of caste happened in consequence of it.

My Lords, having stated the causes of the rebellion, and having stated the opinion of Mr. Paterson when he saw the country, I will now state an expression of one of the natives of the country, who was forced to become an instrument in the course of these torments. He says that he went twelve miles without seeing a light—not a lamp was lighted—without finding means to make a fire to dress the food

* Letter of Mr. Paterson to the Committee of Revenue, dated Rungpore, 22nd June, 1783; entered in the MS. volume, p. 241.

18 FEB. 1788. necessary for his subsistence—such desolation was there in the country.

Reception of the commissioner's report by the Council.

My Lords, all these horrible calamities attended the government of Deby Sing. You would imagine that the knowledge of them instantly drew upon him the indignation of the government; that, if ever there was a time in which a government claiming arbitrary powers was to use them in the most ferocious manner, it would be then. Quite otherwise. The government, so arbitrary to the subject, is the mildest and most placid to the governor. They must not be too hasty in judging of Deby Sing; opinions are not to be hastily taken up. Nay, the report of the commissioner must be subject to great exception. These were the tools of power that Mr. Hastings put between him and the people of the country. A precious and good choice he made upon such an occasion, when the greatest mischiefs had arisen to the country from his approving, if not choosing, the worst men of the country to exercise authority under him—proving how well they acted their part, and rendering it unnecessary for him to take any part in it.

Upon the first reports of the business the Council were a little stunned. They did not know what to do. At last came down a full report, with an immense body of evidence, from the commissioner*; for though he might have determined upon the view of the whole business, yet, as a serious, thinking, able, man, a man of business, he made such a report, followed with such a body of evidence, that probably no records of any country can furnish a greater body collected with greater diligence.

All persons who act under government, by authority, in a public function, exercising a public trust, are intitled to a presumptive credit for the truth of all that they assert; and the responsibility and burden of proof is thrown upon those who would attack the report. And until corruption, malice, or some evil disposition, is found in the person making this report, it ought to pass with his superiors and those whom he represents for truth. Very different opinions prevailed in Mr. Hastings' Council; this executive body having only in name any authority. They first turn themselves into judges. They turn Mr. Paterson into an accuser, and call upon him to prove his report; and Deby Sing—this man

They call upon Mr. Paterson to prove his report.

* The report of Mr. Paterson, here referred to, is dated from Calcutta, the 22nd of September, 1783, and is entered in the MS. volume, p. 292.

worth 700,000*l.*, and using it in this way—is put up as defendant. They call before them Mr. Paterson; and they make out and state heads of accusation taken from his report. They desire him to prove these against Deby Sing. They take exception that the depositions are not all upon oath; Mr. Paterson never having been ordered to inquire upon oath—not one word. Those depositions that are upon oath they throw a shade upon, saying that they are depositions of persons in rebellion, who want to make an excuse for their own rebellion. In short, they throw every difficulty in the way. And, while they are not throwing the smallest imputation upon Mr. Paterson's integrity or honour, they suppose that a man of such diligence, who made up three such volumes as these, is carried away with the warmth of imagination, though he can be proved to be the coldest and most phlegmatic of men; though at the same time they allow there is presumptive proof pretty strong against Deby Sing, and though Mr. Hastings is of opinion that there is nothing here charged against him of which he is not capable. 18 FEB. 1788.

[*Here Mr. Burke was taken ill, and obliged to sit down. After some time Mr. Burke again addressed the House.*]

My Lords, I am sorry to break the attention of your Lordships in such a way. It is a subject that agitates me. It is long, difficult and arduous; but, with the blessing of God, if I can, to save you any further trouble, I will go through it this day.

I am to tell your Lordships that, after putting Mr. Paterson as an accuser to make good a charge, which he made out too much to their satisfaction, the next step they took was to change their battery.

[*Mr. Burke's illness increased; upon which the House, on the motion of His Royal Highness the Prince of Wales, adjourned.*]

CONTINUATION OF THE SPEECH OF THE RT. HON. EDMUND BURKE, MANAGER FOR THE HOUSE OF COMMONS, IN OPENING THE IMPEACHMENT; 19 FEBRUARY, 1788.

My Lords,—In any great undertaking, a failure in the midst of it, even from some infirmity, though to be regarded principally as a misfortune, is attended with some slight shadow of disgrace; but your Lordships' humanity and your love of justice have remedied everything, and I therefore proceed with confidence this day.

Consequences of the delegation of his power by Mr. Hastings to Deby Sing.

My Lords, I think, to the best of my remembrance, the House adjourned at the period of time in which I was endeavouring to illustrate the mischiefs that happened from Mr. Hastings throwing off his responsibility by delegating his power to a nominal Council, but in reality to a black bad man, a native of the country, of the worst character that could be found in it; and the consequence of his so doing, in preventing the detection and the punishment of the grossest abuses that ever were known to be committed in India or in any other part of the world.

Treatment of Mr. Paterson by the Council.

My Lords, I stated to you that Mr. Commissioner Paterson was sent into that country with all the authority of government, with power to hear, and not only to hear and to report, but to redress the grievances which he should find in the country. In short, there was nothing wanting to his power but an honest support. Some of the things contained in his reports I have taken the liberty of laying before your Lordships; but very faintly, very imperfectly, and far short of my materials. I have stated to you that the criminal against whom the commissioner made his report, instead of being punished by that strong hand of power which Mr. Hastings has thought proper to use upon other occasions, when he has endeavoured to make princes, or persons in the rank and with the attributes of sovereign princes, feel, whenever they have incurred his private resentments—that this man was put into every situation of offence or defence which the most litigious and prevaricating laws that ever

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were invented in the very bosom of arbitrary power could afford him, or by which peculation and power were to be screened from the cries of an oppressed people. Mr. Paterson, I stated, from being a commissioner directed to report under the authority of the government to that government, was considered as a voluntary accuser, obliged to make good the articles of his charge. But I believe I stated that he did not long remain in that condition. For Deby Sing, who at first began in the humble, sneaking, suppliant, tone of a man under charges, a man holding a secondary and subordinate situation answering those charges, by degrees, as his protection increased, his boldness growing along with it, no longer takes the tone of an accused person. He boldly stands forward; he reverses the situation which was imposed before upon Mr. Paterson; he becomes Mr. Paterson's accuser. At first, he began by saying that he believed Mr. Paterson was mistaken; that he had taken up things a little too warmly; that he had listened to perverse representations. He now steps forward; charges him with forgery in order to destroy him; takes the upper hand in the business; impeaches Mr. Paterson, and desires to be heard before this nominal committee, in reality before Gunga Govind Sing.

Deby Sing becomes the accuser of Mr. Paterson.

This business now has taken a third step. First Mr. Paterson is a commissioner to report; then an accuser to make good his charge; then a party accused, who is to stand and answer the charges made against him by Deby Sing. This is the third metamorphosis of Mr. Paterson's situation. In this situation, which instead of defence may well be called persecution, he is charged with some of the most malignant crimes that probably, I will venture to say, ever put to trial the patience of mankind. He was ordered by this very board—which I hope your Lordships will recollect I proved yesterday were only tools in the hands of Gunga Govind Sing, and therefore I charge them only with instrumentality—he was ordered to bring down a man of infamous character, abandoned morals, not upon charges of his, but charges of other persons. This man soon got out of the hands of his guard, sat as an assessor by the side of the Council, and there interrogated Mr. Paterson. I believe all human constancy would be shaken when this took place—a man who had gone into the country to report the condition of a wretched, unhappy, people, undone by a miserable oppressor. Your Lordships will be convinced that the road

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Upright conduct of Mr. Paterson.

of fortune was easy to Mr. Paterson; for Deby Sing would for a favourable report have given a large sum of money. Your Lordships will be convinced that the committee would not have received such a report as a proof of bribery; but they would rather have considered the author of it as a man who tended to conciliate and to soften troublesome and difficult matters, and to settle the order of government as soon as possible. But this man, who had bestowed all this patience, whose honour and veracity constantly received just attestations during the whole of this affair, whose morality and virtue received repeated testimonials, this very man was turned into an accused person, and that accusation submitted to the Council.

In that situation, I must do him the justice to say that he behaved like a hero. He never tottered for one moment on the firm ground of principle on which he stood. He was altered in his situation, and he was now to go back into that country—and that on permission, a grace, a favour, granted to him—where he had but lately appeared as a protecting angel, where the people had looked upon him as carrying with him the whole power of a beneficent government; he was to go back, in his altered situation, to try whether any of the ruined, dejected, unhappy, hunted, people are to be found with constancy enough, against the known power of their former oppressor, to stand to their former accusations.

Junior servants of the Company appointed to adjudicate between Mr. Paterson and Deby Sing.

My Lords, the next step was to appoint another commission to try the question between Mr. Paterson and Deby Sing. And who are those commissioners? A set of the junior servants of the Company; and before them their superior was sent. They were to examine and to inquire into the proceedings; and he was, like an accused person, but without the authority, without the favour, which ought to go with an accused person, to make out such a state of his defence—for he is now upon his defence—as could be made out.

In that situation, he wrote one of the most pathetic memorials that ever was penned to the Council, submitting to his hard fate, but standing inflexibly to his virtue that brought it upon him. And, when your Lordships come to see his memorials, you will see that he is a man of lofty principle, and well deserving of the honour of all the sufferings that he sustained in the cause of virtue.

This commission of junior servants, who were sent to inquire into the inquiry, to examine into the examination, to control the report, to be commissioners upon the commission

of Mr. Paterson, these persons went down into that country, and for a long period spent their time in mere matters of form: but they soon found that they could not do without a representative of Deby Sing, and accordingly they ordered Deby Sing to send up his vakil. 19 Feb. 1788.

Treatment of Deby Sing during the proceedings.

I forgot to state to your Lordships what the condition of Deby Sing was during this proceeding. He had been ordered to Calcutta on two grounds; one, on the matter of his misconduct at Rungpore; the other for a great failure in the payment of his revenue. Under this double accusation he was considered as a prisoner. According to the mild ways of that country—especially where they choose to be mild, and the persons are protected by power—he was kept, not in the common gaol of Calcutta, not in the prison of the fort, not in the gaol in which Nundcomar was confined, but under a free custody; that is, attended with a guard at Calcutta, where he was daily in conference with those who were to judge him. He was put under a guard of sepoys, not confined to his house, but permitted to go abroad; and, having an address which seldom fails, a dexterity never wanting to a man possessed of 700,000*l.*, he converted this guard into a retinue of honour: their bayonets were lowered, their muskets laid aside, and they attended him with side arms, and many with silver verges in their hands, to mark him out rather as a great magistrate attended by a retinue than a prisoner under guard.

When he was ordered to send a vakil to Rungpore to defend his conduct, he refused to send him. Upon which, the commissioners, instead of saying, "If you will not send your agent, we will proceed in our inquiry without you"—and indeed it was not made necessary by the commission that he should be there either by vakil or otherwise—admitted his refusal and ordered him to come up. He accordingly entered that province with this guard, in the manner I have before mentioned, more as a person returning in triumph from a great victory than as a man under the load of all those enormous charges which I have stated. He entered that province in this manner; and Mr. Paterson saw himself, though lately the representative of the India Company, at least a servant high in authority—and an Englishman, an old servant of the Company, is a great man in that country—left naked and destitute, without any mark of official situation or dignity. He was present while all the marks of imprisonment were turned into marks of respect and dignity

Marks of honour shown by

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the Commissioners to Deby Sing.

to this consummate villain, whom I have the misfortune of introducing to your Lordships' notice. Mr. Paterson, seeing the effect of that proceeding everywhere, seeing the minds of the people broken, subdued and prostrate, under it, and seeing that, so far from having the means of detecting the villanies of this insolent criminal appearing as a magistrate, he had not the means of defending even his own innocence, because everything fled and was annihilated before him,—seeing all this, he represented to these young commissioners, the junior servants, that this appearance of authority, this immense following, tended to strike terror into the hearts of the natives, and to prevent his receiving justice. The Council sat on it very deliberately; and they found that it was true that, if he had such an attendance any longer in such a situation—and a large attendance it was, such as the Chancellor of this kingdom or the Speaker of the House of Commons does not appear with—it would have an evil appearance. On the other hand, they said, if he should appear under a guard the people would consider him as under disgrace. They therefore took a middle way, and ordered the guard not to appear with fixed bayonets, which had the appearance of the custody of a prisoner, but to lower their muskets and unfix their bayonets.

The people of Rungpore remain without redress.

The next step which these commissioners took was to exclude Mr. Paterson from all their deliberations; and, in order that both parties should appear on an equality, you would naturally conclude that Deby Sing was likewise excluded. Far from it: he sat upon the bench. Need I say any more upon this subject? The protection followed. Four years passed. Mr. Paterson remained in a state of persecution and continual conflict; Deby Sing remained in this mode of imprisonment; and the wrongs of the people of Rungpore, which were much more considerable than even those of that virtuous man Mr. Paterson himself, remained totally without redress: they remain so to this day, and they will remain so for ever if your Lordships do not redress them.

Mr. Hastings charged with making unworthy appointments, and with destroying institutions designed to control

I stated before that I considered Mr. Hastings responsible for the characters of the people whom he employed; doubly responsible if he knew them to be bad. I charge him with putting persons of known evil character in situations in which evil might be committed. My Lords, I charge him as chief Governor with destroying the institutions of the country which were, and ought to be, controls upon such a

person as Deby Sing. An officer called diwan, or steward of the country, had always been placed as a control upon the farmer. But that no such control should in fact exist —that he, Deby Sing, should be let loose to rapine, slaughter and plunder, in the country, both offices were conferred on him. Did Mr. Hastings vest those offices in him? No; but, if Mr. Hastings had kept firm to the duties which the act of Parliament appointed him to execute, all the revenue appointments must have been made by him. But, instead of making them himself, he directed them to be made by Gunga Govind Sing; and for that appointment, and for the whole train of subordinate villany which must follow when you place iniquity in the chief seat of government, Mr. Hastings is answerable. He is answerable, first, for destroying his own legal capacity; and, next, for destroying the legal capacity of the Council, not one of whom ever had, or can have, any true knowledge of the state of that country from the moment that Mr. Hastings buried it in the gulf of mystery and of darkness under that collected heap of villany, Gunga Govind Sing. From that moment Mr. Hastings destroyed the power of government, and put everything into the hands of Gunga Govind Sing; for which I say Mr. Hastings is answerable.

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Officers of trust.

Every provincial Council contained many members, who, though they might unite in some special iniquities, could not possibly have concealed from the public such acts as these. Their very numbers, their very natural competitions, the contentions that must have arisen among them, must have put a check, at least, to such a business. And, therefore, Mr. Hastings having destroyed every check and control above and below, and having delivered the whole government into the hands of Gunga Govind Sing, for all the iniquities of Gunga Govind Sing he is responsible.

The action of provincial Councils.

But he did not know Deby Sing, whom he employed. I read yesterday, and I trust it is fresh in your Lordships' remembrance, that Deby Sing was presented to Mr. Hastings by Gunga Govind Sing; for he was presented by that set of tools, as they call themselves, who acted, as they themselves tell us they must act, entirely and implicitly under Gunga Govind Sing.

Mr. Hastings is further responsible, because he took a bribe of 40,000*l.* from some person in power in Dinagepore and Rungpore, the countries which were ravaged in the manner I have described; and he took it through the medium

Mr. Hastings responsible for bribes received through Deby Sing.

19 Feb. 1788. of that very person whom he had appointed to exercise all the authority of the Supreme Council above, and of all subordinate Councils below. So that your Lordships see he had appointed a Council of tools, at the expense of 62,000*l.* a year, to supersede all the English officers, for the purpose of establishing a bribe factor-general, a general receiver and agent of bribes through all that country. And for this Mr. Hastings is responsible, and for all the consequences of it.

My Lords, I have stated these things to you but shortly, partly because of my infirmity, and partly because of the odiousness of the task of going through all these things that disgrace human nature. But, when I charge Mr. Hastings with all this, what do I charge him with? I bring it forward to your Lordships as an example to you of what the thing bribery reduced to a system of government is. Mr. Hastings has not only done it practically, but theoretically. For when he despaired any longer of concealing his bribes from the penetrating eye of Parliament, then he took another mode, and declared—as I believe we can find in the course of these proceedings, and your Lordships shall see it—that it was the best way of supplying the necessities of the East India Company in the pressing exigencies of their affairs; that it was a way by which relief to the Company's affairs could be yielded, which, in the common, ostensible, mode, and under the ordinary forms of government and publicly, never would be yielded to them. So that bribery with him became a supplement to exaction.

Bribery reduced to a system.

My Lords, I have thought it necessary, and absolutely necessary it is, to state what the consequence of this clandestine mode of supplying the Company's exigencies was. Your Lordships will see that their exigencies are to be supplied by the ruin of the landed interest of a province, the destruction of the husbandmen and the ruin of all the people in it. This is the consequence of a general bribe broker, an agent like Gunga Govind Sing, superseding all the powers and controls of government. This consequence follows from that system.

Consequences of the system.

The best practical way of showing the evil of any system is to show the mischiefs that it produces; because a thing may look specious in theory, and yet be ruinous in practice; and a thing may look evil in theory, and yet be in its practice excellent. Here a thing, in theory stated by Mr. Hastings to be productive of much good, is in reality

productive of all those horrible mischiefs that I have stated. That Mr. Hastings well knew this appears from an extract of the Bengal Revenue Consultations, 21st January, 1785, a little before he came away. We shall there see what things he did, what course he was in, a little before his departure; and we shall find with what propriety and consistency of character he has behaved, from the year of the commencement of his corrupt proceeding, in 1773, to the end of it, when he closed it, in 1785; when the bribes not only mounted the chariot, but boarded the barge, and, as I shall show, followed him down the Ganges and even to the sea: for he never quitted his system of iniquity—it survived his political life itself. 19 FEB. 1788.

One of his last political acts was this. Your Lordships will recollect that there was a Mr. Goodlad in the country, whose conduct was terrible indeed: for he could not be in that country in place and authority and be innocent, while such things were doing, as we shall prove;—but that is not now my consideration. The Governor General's minute was this*—"I entirely acquit Mr. Goodlad of all the charges: he has disproved them. It was the duty of the accuser to prove them"—the accuser, namely, the commissioner. "Whatever crimes may be established against Raja Deby Sing, it does not follow that Mr. Goodlad was responsible for them; and I so well know the character," &c. Now your Lordships perceive he has acquitted Mr. Goodlad. He is clear. Be it, that he is fairly and honestly acquitted. But here is Mr. Hastings' account of Raja Deby Sing. He is presented to him in 1781 by Gunga Govind Sing as a person against whose character there could be no exception, and by him accepted in that light. His opinion of him is this:— Mr. Hastings' acquittal of Mr. Goodlad.

"I so well know the character and abilities of Raja Deby Sing, that I can easily conceive that it was in his power both to commit the enormities which are laid to his charge and to conceal the grounds of them from Mr. Goodlad, who had no authority but that of receiving the accounts and rents of the district from Raja Deby Sing, and occasionally to be the channel of communication between him and the committee."†

Now your Lordships see what Mr. Hastings' opinion of Deby Sing was. We shall prove at another time, by abundance of clear and demonstrative evidence, that, whether he was bad or no—but we shall prove that bad he was indeed—

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* Printed in the Minutes of Evidence, p. 1251.

† Part of the Minute referred to above.

19 Feb. 1788. even he could hardly be so bad as the opinion which Mr. Hastings entertained of him; who, notwithstanding, now turns off this mock committee, instituted by himself, but in reality wholly managed by Gunga Govind Sing. This Deby Sing is accepted as an unexceptionable man; and yet Mr. Hastings knows both his power of doing mischief and his artifice in concealing it. If then Mr. Goodlad is to be acquitted, does it not show the evil of Mr. Hastings' conduct in destroying those provincial Councils, which, as I stated in the beginning of this case, were obliged to book everything, to minute all the circumstances that came before them, together with all their consultations? Mr. Hastings strikes at them all at once; but still he leaves an Englishman in the country to be a control upon this wicked agent, appointed under Gunga Govind Sing for the purpose of giving bribes, in the midst of that very province where Mr. Hastings said he had the power of doing such things, and which nobody doubts his disposition to do, for his power plainly means his disposition. Yet this Englishman was left in such a state of inefficiency that those iniquities could be concealed, though every one true, from the person appointed there as if it were to inspect them. What was his business there? His business was nothing but to receive such sums of money as Deby Sing might put into his hands, and which might easily have been sent to Calcutta. He was therefore of no use but to be a communication from Deby Sing to the committee. There is then the English authority which Mr. Hastings left in the country; there is the native authority which he settled; there is the destruction of the English inspection; and there is the establishment of native iniquity in a regular system under Gunga Govind Sing. I hope I need say no more to prove to your Lordships that this system, taken nakedly as it thus stands, founded in mystery and obscurity, founded for the very express purpose of conveying bribes, as the best mode of collecting the revenue, and supplying the Company's exigencies through Gunga Govind Sing, would be iniquitous upon the face and the statement of it. But, when your Lordships have seen what horrid effects it produced, you will easily see what the mischief and abomination of Mr. Hastings' destruction of these Councils and the protecting of these persons must necessarily be. If you had not known it in theory, you must have seen it in practice. But, when both practice and theory concur, there can be no doubt that a system of private bribery for a revenue, and a

Deceptive character of Mr. Goodlad's appointment.

The system of supplying revenue by bribes.

system of private agency for a constitutional government, must ruin the country where it prevails, must disgrace the country that uses it, and finally end in the destruction of the revenue. For what says Mr. Hastings?—"I got 40,000*l.* in bribes, and applied it to the use of the Company." Now I hope I shall demonstrate—if not, it will be, by some one abler than I, demonstrated in the course of this business—that there never was a bribe received by Mr. Hastings that was not instantly followed by a deficiency in the revenue. Deby Sing was, at the time that Mr. Hastings came away, between 20,000*l.* and 30,000*l.* debtor to the Company. So that in truth you always find a deficiency of revenue equal to, and in some instances I shall show double, all the bribes Mr. Hastings received; which makes it evident that he never could and never did receive them under that absurd and strange idea of a resource to government. For it is clear and demonstrable—and it is a thing which I wish your Lordships to understand you are to call upon us to prove—that the revenue has always failed in pretty nearly the same ratio, sometimes far above it, as the bribes received by Mr. Hastings—as you might well expect. 19 FEB. 1788.

My Lords, I must restate to you, because I wish you never to forget it, that this Council was in their own opinion and from their own certain knowledge and mere motion, if motion can be attributed originally to instruments, a mere tool in the hands of Gunga Govind Sing. There were two persons principal in it; Mr. Shore, who was the acting president, and Mr. Anderson, who was president in rank and president in emolument, but who was absent for a great part of the time upon a foreign embassy. It is the recorded opinion of the former—for I must beg leave to read again a part of the paper which has already been read to your Lordships—that "the committee, with the best intentions, best abilities and steadiest application, must, after all, be a tool in the hands of their diwan." Do you believe, in the first place, that men will long have abilities, will long have good intentions, and will long, above all, have steady application, when they know they are but tools in the hands of another, when they know they are but tools for his own corrupt purposes?

The committee of the Council appointed to manage the revenue a tool in the hands of Gunga Govind Sing.

Now I must beg leave to state to you that, on the constitution of this committee, Mr. Hastings made them all take a solemn oath that they would never receive any present whatever. It was not enough to trust to a general covenant; it was not enough to trust to the penal act of 1773; he bound the committee by a new oath, and forced

The committee bound by oath not to receive presents.

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them to declare, that they would not receive any bribes. As soon as he had so secured them against receiving bribes, he was resolved to make them inefficient,—a good way to secure them against bribes, by taking from them the power of bribe-worthy service. This was a good counter-security to their oath. But Mr. Hastings put a diwan there against whom there was no security. While he bound the hands of the masters both by the strongest restriction and by impotence, he let loose their diwan, to frustrate their intentions, their application, their abilities and their oath; that is, there was a person at the board who was more than the board itself, who might riot in peculation and plunder from one end of the country to the other. He was there to receive bribes for Mr. Hastings. The sub-committee refused them; they were to be pure with impotent hands: and then came a person with ample power for himself; and, lest he should not have power enough, he was made general bribe-broker to Mr. Hastings. Through him Mr. Hastings received the bribe from Dinagepore. This secret undercurrent, as your Lordships will see, totally counteracted everything: for as fast as one part was rendered pure all the rest was totally corrupted.

But Mr. Hastings appoints a diwan, who is not restrained from taking presents,

and uses him as his agent for bribes.

Mr. Anderson's opinion relative to the power of the diwan.

But your Lordships must not think that this was the private opinion of Mr. Shore only—a man of great abilities, and intimately acquainted with the revenue, who must know when he was in a situation to do good and when he was not. There was another person, Mr. Anderson, who was Mr. Hastings' confidant in everything but his bribes, and supposed to be in his closest secrets. I should remark that Mr. Anderson is a man apparently of weak nerves, of modest and very guarded demeanour, as we have seen him in the House of Commons; it is in that way only that I have the honour of knowing him. On being asked whether he agreed in the opinion and admitted the truth of his friend Mr. Shore's statement relative to the diwan of the committee, his answer was this:—

"I do not think that I should have written it quite so strong, but I do in a great measure agree to it; that is, I think there is a great deal of truth in the observation. I think in particular that it would require great exertion in the committee, and great abilities on the part of the president, to restrain effectually the conduct of the diwan. I think it would be difficult for the committee to interpose a sufficient control to guard against all the abuses of the diwan." *

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* See "Minutes of the Evidence taken before a Committee of the whole House of Commons on the Articles of Charge, &c., against Warren Hastings," &c.; 30th March, 1787, p. 142.

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Here are the real president of the committee and the most active efficient member of it: they are both of one opinion concerning their situation. And I think this opinion of Mr. Anderson's is still more strong; for as he thinks he should have written it with a little more guard, but should have agreed in substance, you must naturally think the strongest expression the truest representation of the circumstance.

Duty of the president to restrain the diwan from taking bribes.

There is another circumstance that must strike your Lordships relative to this institution. The president says that the use of the president would be to exert his best abilities, his greatest application, his constant guard—for what? To prevent his diwan from being guilty of bribery and oppressions. So here is an executive constitution, in which the chief executive minister is to be in such a situation and of such a disposition that the chief employment of the presiding person in the committee is to guard against him and to prevent his doing mischief. Such a constitution, allowed and alleged by the persons themselves who composed it, was, I believe, never heard of in the world. Here is a man appointed, of the greatest possible power, of the greatest possible wickedness, in a situation to exert that power and wickedness for the destruction of the country; and I do think that it would require the greatest ability and diligence in the person at the head of that Council to prevent his doing mischief. So that the great object here is that one part of the committee should be employed to prevent the other part doing mischief.

Mr. Hastings' consideration of Gunga Govind Sing at the moment of leaving India.

Now that I have done with this part of the system of bribery, your Lordships will permit me to follow Mr. Hastings to his last parting scene. He parted with his power; he parted with his situation; he parted with everything, but he never could part with Gunga Govind Sing. He was on his voyage—he had embarked—he was upon the Ganges—he had quitted his government; and his last dying sigh, his last parting voice, was Gunga Govind Sing! It ran upon the banks of the Ganges, as another plaintive voice ran upon the banks of another river—I forget whose: his last accents were Gunga, Gunga Govind Sing!

It demonstrates the power of friendship. It is said by some idle, absurd, moralists, that friendship is a thing that cannot subsist between bad men; but I will show your Lordships the direct contrary. I have not quite shown you yet, but pretty well I think, what Gunga Govind

19 FEB. 1788. Sing was. There is a great deal concerning his character and conduct that is laid by; and I do believe that, whatever time I might take in expatiating upon these things, in the lowest deep there would be still a lower deep; for there is not a day of the inquiry that does not bring more and more matter out against Mr. Hastings relative to this evil.

But, before I open these papers, I must restate some circumstances, in order that your Lordships may thoroughly understand the nature of them. Your Lordships will recollect that, about the time of the succession of the minor Raja of Dinagepore, who was then but an infant five or six years old, and, when Mr. Hastings left Bengal, about eight or nine, Mr. Hastings had received, either by Deby Sing or by some other person, a bribe of about 40,000*l.* There is a fidelity even in bribery; there is a truth and observance even in corruption; there is a justice that, when money is paid for protection, protection should be given. My Lords, Mr. Hastings received this bribe through Gunga Govind Sing: then, through Gunga Govind Sing, at least he ought to take care that that Raja should not be robbed; that he should not be robbed if Gunga Govind Sing could help it; that, above all, he should not be robbed by Gunga Govind Sing himself. But your Lordships will find that the last act of Mr. Hastings' life was to be an accomplice in the most cruel and perfidious breach of faith, in the most iniquitous transaction, that I do believe ever was held out to the indignation of the world with regard to private persons. When he parted with Gunga Govind Sing, on the 16th of February, 1785, when he was on board ship in the mouth of the Ganges and preparing to visit his native country, let us see what the last acts of his life were. Hear the last tender accents of the dying swan of the Ganges:—

He recommends his petitions for grants of land to the Council.

"The regret which I cannot but feel in relinquishing the service of my honourable employers would be much embittered were it accompanied by the reflection that I had neglected the merits of a man who deserves no less of them than of myself, Gunga Govind Sing, who from his earliest youth had been employed in the collection of the revenues, and was, about eleven years ago, selected for his superior talents to fill the office of dewan to the Calcutta committee. He has from that time, with a short intermission, been the principal native agent in the collection of the Company's revenues; and I can take upon myself to say that he has performed the duties of his office with fidelity, diligence and ability. To myself he has given proofs of a constancy and attachment which neither the fears nor expectations excited by the prevalence of a different influence could shake; and at a time too when these qualities were so dangerous that, far from finding them amongst the generality of his countrymen,

I did not invariably meet with them amongst my own. With such a sense of his merits, it is natural that I should feel a desire of rewarding them; for justice, gratitude, generosity, and even policy, demand it; and I resort to the board for the means of performing so necessary a duty, in full confidence that, as those which I shall point out are neither incompatible with the Company's interests nor prejudicial to the rights of others, they will not be withheld from me. At the request therefore of Gunga Govind Sing, I deliver the accompanying durkhausts, or petitions, for grants of lands lying in different districts; the total jumma or rents of which amount to rupees 238,061 : 12 : 1."* 19 FEB. 1788.

Reflections on Mr. Hastings' relations with Gunga Govind Sing.

My Lords, you recollect that Mr. Larkins was one of the bribe agents of Mr. Hastings—one, I mean, of a corporation, but not corporate in their acts. My Lords, Mr. Larkins has told you—he has told us, and he has told the court of Directors—that Mr. Hastings parted in a quarrel with Gunga Govind Sing because he had not faithfully kept his engagement with regard to his bribe, and that instead of 40,000*l.* from Dinagepore he had only paid him 30,000*l.* My Lords, that iniquitous men will defraud one another I can conceive; but you will perceive by Mr. Hastings' behaviour at parting that he either had in fact received this money from Gunga Govind Sing, or had some other abundant reason to be satisfied; that he totally forgot his anger upon this occasion; and that, at parting, his last act was to ratify grants of lands—so described by Mr. Hastings—to Gunga Govind Sing. Your Lordships will recollect the tender and forgiving temper of Mr. Hastings. Whatever little bickerings there might have been about their small money concerns between Mr. Hastings and Gunga Govind Sing, the purifying waters of the Ganges washed away all sins, enmities and discontent. By some of those arts which Gunga Govind Sing knows how to practise—I mean conciliatory, honest, arts—he had fairly wiped away all resentment out of Mr. Hastings' mind; and he who so long remembered the affront offered him by Cheyt Sing totally forgot the fraud of Gunga Govind Sing of 10,000*l.*, and, in favour of that fraudulent man, at his parting, granted him that tender last adieu, and attempted to make others the instruments of giving him what he calls his reward.

Gunga Govind Sing removed from his office on account of peculation.

Mr. Hastings states, among Gunga Govind Sing's merits, that he had long served the office of diwan to the Calcutta committee. He says that he has done so from the time of its institution, with a very short intermission. That short intermission was when he was turned out of office upon proof

* Printed in the Minutes of Evidence in the Impeachment, p. 1192.

19 Feb. 1788. of peculation: therefore that is a sort of parenthesis interposed in the political life and the political merits of Gunga Govind Sing. But this parenthesis, of which Mr. Hastings does not tell you, turns out to have been upon proof of peculation and embezzlement of public money.

Evidence as to the character of Gunga Govind Sing.

Now your Lordships shall hear what opinion a member of the provincial Council, whom he had served, had of him*:—

"Who is Gunga Govind Sing?" The answer is, "He was, when I left Bengal, dewan to the committee of revenue." "What was his office and power during Mr. Hastings' administration, since 1780?"—"He was formerly dewan to the provincial council stationed at Calcutta, of which I was a member. His conduct then was licentious and unwarrantable, oppressive and extortionary. He was stationed under us to be an humble and submissive servant, and to be of use to us in the discharge of our duty. His conduct was everything the reverse. We endeavoured to correct the mischiefs he was guilty of as much as possible. In one attempt to release fifteen persons illegally confined by him, we were dismissed our offices; a different pretence was held out for our dismission, but it was only a pretence. Since his appointment as dewan to the present committee of revenue, his line of conduct has only been a continuance of what I have described, but upon a larger scale." "What was the general opinion of the natives of the use he made of his power?"—"He was looked up to by the natives as the second person in the government, if not the first. He was considered as the only channel for obtaining favour and employment from the Governor. There is hardly a native family of rank or credit, within the three provinces, whom he has not some time or other distressed and afflicted; scarce a zamindary that he has not dismembered and plundered." "Were you in a situation to know this to be true?"—"I certainly was." "What was the general opinion and your own concerning his wealth?"—"It is almost impossible to form a competent judgment. I had an account, shown to me about July, 1785, stating his acquisitions at three hundred and twenty lacs of rupees, that is, 3,200,000*l.*"

His wealth.

My Lords, I have only to say that, from the best inquiries I have been able to make, those who speak highest of his wealth are those who obtain the greatest credit. The estimate of any man's wealth is uncertain, but the enormity of this man's wealth is universally believed: yet Mr. Hastings seemed to act as if he needed a reward. It is necessary therefore to see what recommended him particularly to Mr. Hastings. Your Lordships have seen that he was on the point of being dismissed for misbehaviour and oppression by that Calcutta committee, his services to which Mr. Hastings

Why he was recommended by Mr. Hastings for reward.

* The evidence here quoted was delivered by Mr. Peter Moore, of the Provincial Council of Calcutta, before the Committee of the House of Commons on the 23d of March 1787. See "Minutes of the Evidence," &c., printed for John Stockdale, 8vo, 1788, part VI. p. 127.

gives as one proof of his constant and uniform good behaviour. 19 Feb. 1788.
Mr. Hastings says :—

"He had executed the duties of his office with fidelity, diligence and ability."

These are his public merits: but he has private merits:—

"To myself," says he, "he has given proofs of a constancy and attachment which neither the fears nor expectations excited by the prevalence of different influence could shake; and at a time too when these qualities were so dangerous that, far from finding them amongst the generalityof his countrymen, I did not invariably meet with them amongst my own."

Now we, who have been used to look very diligently over the Company's records and to compare one part with another, ask what those services of Gunga Govind Sing to Mr. Hastings were, that so strongly recommended him to Mr. Hastings, and induced him to speak so favourably of his public services. What those services were does not appear. We have searched the records for them—and those records are very busy and loquacious—about that period of time. But there is nothing publicly done, there is nothing publicly said, by Gunga Govind Sing during that time, in which Mr. Hastings was labouring under an eclipse and near the dragon's mouth, and all the drums of Bengal were beating to free him from this dangerous eclipse. There were then some services of Gunga Govind Sing to Mr. Hastings which lie undiscovered, and which he took as proofs of attachment. What could they be? They were not public; nobody knows anything of them. As far as we can judge of them, they must have been services of concealment of what Gunga Govind Sing must have known concerning him: otherwise, in the course of this business it will be necessary, and Mr. Hastings will find occasion, to show what those personal services of Gunga Govind Sing to him were. His services to Gunga Govind Sing were pretty conspicuous; for, after he was turned out for peculation, Mr. Hastings restored him to his office; and when he had imprisoned fifteen persons illegally and oppressively, and when the Council were about to set them at liberty, they were set at liberty themselves—they were dismissed their offices. Therefore your Lordships see what his public services were. His private services are unknown; they must be, as we conceive, from their being unknown, of a suspicious nature; and I do not go further than suspicion, because I never heard—and I have not been without attempts to make the discovery—what those services were that recommended him to Mr. Hastings.

His services to Mr. Hastings were of a secret character.

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The lands petitioned for belonged to the Raja of Dinagepore.

Having looked at his public services, which are well-known scenes of wickedness, barbarity and corruption, we next come to see what his reward is. Your Lordships hear what reward he thought proper to secure for himself; and I believe a man who has power like Gunga Govind Sing and a disposition like Gunga Govind Sing, can hardly want the means of rewarding himself; and if every virtue rewards itself—and virtue is said to be its own reward—the virtue of Gunga Govind Sing was in a good way of securing its own reward. Mr. Hastings, however, thought it was not right that such a man should reward himself, but that it was necessary for the honour and justice of the government to find him a reward. Then the next thing is to say what that reward shall be. It is a grant of lands. Your Lordships will observe that Mr. Hastings declares some of these lands to be unoccupied, others occupied, but not by the just owners. Now these were the very lands of the Raja of Dinagepore, from whom or from whose country he had taken a bribe of 40,000*l.* My Lords, this appears to be a monstrous thing; but Mr. Hastings had the audacity, as his parting act, when he was coming to England and ought to have expected—whatever he did expect—the responsibility of this day, he had the audacity and was shameless enough not only to give this recommendation, but to perpetuate the mischiefs of his reign, as he has done, to his successors: for he has really done so by making it impossible almost to know anything of the true state of that country; and therefore he has made them much less responsible and criminal in any ill acts that they have done since his time than before. But Mr. Hastings not only recommends and backs the petition of Gunga Govind Sing with his parting authority—which authority he made the people there believe would be greater in England when he arrived there than it was even in India—in that situation he is not only a backer of the petition, but he is an evidence; he declares that "to his own knowledge these lands are vacant, and confessedly, therefore, by the laws of this as well as of most other countries, in the absolute gift of government." My Lords, Mr. Hastings is not only the recommender of Gunga Govind Sing, but he steps forward and becomes a witness, and, I believe in the course of the proceedings your Lordships will find, a false witness for Gunga Govind Sing. "To my own knowledge," he says, "these lands are vacant." Why, I cannot find that Mr. Hastings had ever been in Dinagepore; or, if he had, it

Mr. Hastings' declaration that the lands were vacant.

must have been only as a passenger. He had not the management of the district in any other sense than that kind of eagle eye which he must have had over all Bengal, and which he had for no other purposes than those for which eagles' eyes are commonly used. He becomes, you see, a witness for Gunga Govind Sing, and orders to be given him, as a recompence for all the evils which he had committed, the lands of that very Raja who through the hands of Gunga Govind Sing had given an enormous bribe to Mr. Hastings. These lands were severed from the zamindary and made a gift to Gunga Govind Sing. They were not lands without an ownership, but lands in the hands of the Raja. And the manner in which they were obtained by Gunga Govind Sing is something so shocking, and contains such a number of enormities complicated in one act, that one can scarcely imagine how such a compound could exist. 19 FEB. 1788.

Means employed by Gunga Govind Sing to obtain grants of the lands.

This man, besides his office of diwan to the Calcutta committee, which gave him the whole management and power of the revenue, was, as I have stated, at the head of all the registrars in the kingdom; the office of which registrars was to be a control upon him. But, as Mr. Hastings destroyed every other constitutional settlement of the country, so the office which was to be a check upon Gunga Govind Sing, namely, the registrar of the country, whose office had been superseded and revived in another shape, was given to the own son of this very man. God forbid that a son should not be under a certain and reasonable subordination! But though, in this country, we know that a son may possibly be free from the control of his father, yet the meanest slave is not in a more abject condition of slavery than is a son in that country to his father. The power of a parent in Christendom does not extend to the power of a parent in India; for it extends there to the power of a Roman parent. The office of registrar, or diwan to the registrar, is to take care that the government is not defrauded; to take care that a full and fair rent is secured to the government; that a full and fair statement of the matter should be rendered to the government. Above all, it is his business to take care of the body of the laws, the rawaj-ul-mulk, or custom of the country, of which he is the guardian, as the head of the law and the common lawyers of the country. In that situation, it was his business to secure that fundamental law of the government and fundamental law of the country, that a zamindary

The office of registrar.

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or any portion of it cannot be split or separated without the consent of the government. This man, however, betrayed his trust, and did privately, contrary to the duty of his office, get this minor Raja, who was but an infant, who was but nine years old at the time, to make over to him a part of his zamindary to a large amount, under a fraudulent and fictitious sale. The act of the minor was void in itself by the laws of that country. By the laws of that country, and by the common laws of nature, the act of this child was void. The act was void as against the government by giving a zamindary, without the consent of the government, to the very man who ought to have guarded against such an act; it being given in this manner contrary to all the principles of law, justice, reason and natural equity. This man's office consisted, as much as the sacred office of Chancellor here consists, in the guardianship of minors and of their property in the country. Yet this man got these lands to himself by a fraudulent and probably a forged deed—for that is charged too: but, whether it was forged or not, this miserable minor was obliged to give the lands to him; he did not dare to quarrel with him upon such a matter; because he who would purchase could take.

The grant of the infant Raja void by its nature.

The next step was to get one of his nearest relations to seem to give a consent; because taking it of the minor was too gross. The relation, who could no more consent by the law of that country than by the law of this, gave apparently his specious consent. And these were the very lands which Mr. Hastings, under other and false names, speaks of as lands entirely at the disposal of the government. All this came before the Council. The moment Mr. Hastings was gone, India seemed a little to respire. There was a vast oppressive weight taken off it; there was a mountain removed from its breast; and persons did dare then for the first time to breathe their complaints. And accordingly this minor Raja got some person kind enough to tell him that he was a minor, that he could not part with his estate; and this, and the other shocking and illegal parts of the process he stated to the Council, who had Mr. Hastings' recommendation of Gunga Govind Sing before them. The Council, shocked to see a minor attempted to be dispossessed in such a manner by him who was the natural guardian of all minors, shocked at such an enormous daring piece of iniquity, began to inquire farther, and to ask—how came his near relation to consent? He was apparently partner in the fraud. Partner in the

The assent of the nearest relations procured.

Inquiry by the Council.

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fraud he was, but not partner in the profit; for he was to do it without getting anything for it. It is therefore the heavy iniquity of a relation betraying his nearest kinsman, who was his ward by nature; and that for no consideration at all: the wickedness was in him, and the profit in Gunga Govind Sing. As soon as this inquiry commenced the man comes down to account for his conduct, and declares another atrocious iniquity, which shows you the means that Gunga Govind Sing possessed. "Gunga Govind Sing," says he, "is master of the country; he had made a great festival for the burial of his mother; all those of that caste ought to be invited to the funeral festival; he would have disgraced me for ever, if I had not been invited to that funeral festival." These funeral festivals are great things in that country, and are celebrated in that manner, and you may depend upon it in a royal manner by Gunga Govind Sing upon burying his mother; and any person left out was marked, despised and disgraced. "But he had it in his power, and I was threatened to be deprived of my caste by his registrar, who had the caste in his absolute disposition." Says he, "I was under power, I was under duress, and I did it."

Declaration of the relation of the Raja of having acted under constraint.

Gunga Govind Sing was fortified by the opinion that the Governor, though departed, virtually resided in that country. God grant that his power may be extirpated out of it now! I doubt it; but most assuredly it was residing there in its plenitude when he departed from thence; and there was not a man in India who was not of opinion either that he was actually to return to govern India again, or that his power was such in England as that he might govern it here. And such were the hopes of those who had intentions against the estates of others. Gunga Govind Sing, therefore, being pressed to the wall by this declaration of the Raja's relation, when he could say nothing against it, when it was clear and manifest, and there were only impudent, barefaced, denials and asseverations against facts which carried truth with themselves, did not in his answer pretend to say that a zamindary might be parted without the consent of the government; that a minor might be deprived of it; that the next relation had a power of disposing of it. He did indeed say, but nobody believed him, that he had used no force upon this relation; but, as everyone knew the act would be void, he was driven to Mr. Hastings' great refuge; he was driven to say, "The government in this country has arbitrary power; the power of government is everything, the right of the

Gunga Govind Sing supported by the general expectation of Mr. Hastings' return to India.

His appeal to the arbitrary power of the government.

19 Feb. 1788. subject nothing. The government have at all times separated zamindaries from their lawful proprietors. Give me what Mr. Hastings has constantly given to other people without any right, or shadow or semblance of right at all." God knows it is well that I walk with my authority in my hand; for there are such crimes, such portentous, incredible, crimes, to be brought before your Lordships, that they would hardly be believed, in my humble opinion, were it not that I walk constantly guarded—as I hope I shall constantly be—with evidence; and that the strongest that can be, even the evidence of the parties themselves.

Instances adduced by him of arbitrary alienations of parts of zamindaries.

"From your inquiry," Gunga Govind Sing says to the Council, "every circumstance will appear in its true colours. With respect to the alienation of parts of zemindaries, the extent and consequence of the great zemindars depend in a great measure on the favour and countenance of the ruling powers." Then he says that, under the former government, zamindaries were taken from the rightful proprietors to be given to the favourites of the government. Then he goes on mentioning all that were given; and he says that they were all given without right, title or pecuniary consideration; and that that has been the case with many parganas in his zamindary, that is, the zamindary of this minor Raja, and indeed in many other zamindaries besides, since the Company's succession. Then he says, "Ramkissen in 1172"—that is the next period—"got possession of Nurrulloor, the zemindary of Mohammed Ali: the purgunnah of Iehanguipore, &c., was in three divisions in 1173:"—that is, since the Company's succession. "The petition of Govind Deo Sheopersaud was made over to the son of Bousser Chowdry, possessor of the third share." Now this is the most remarkable instance that he chooses to give of all. "Purgunnah Baharbund belonged to the zemindary of Ranee Bhowanny"—that is, to the Rani of the Raja, rani being the female of raja. She was a woman of great consideration, tottering on the very verge of the grave, and she has been robbed in this manner and robbed in every manner. "Purgunnah Baharbund belonged to the zemindary of Ranee Bhowanny, and in 1180 was made over to Lucknaut Nundy. All these changes took place in the lifetime of the rightful possessors, without right, title or purchase. From the earliest times, transfers of zemindary lands have always depended on the will and pleasure of the ruling powers or masters. My answer is given: order as you please."—My

Lords, your pleasure, and your honour and justice, are the same thing. Here is this man, instead now of covering himself under the idea of vacant lands, instead of covering himself under a purchase, instead of covering himself under the grant of the next relation, boldy coming forward and saying, "These things have been granted without right, title or purchase; but the government has done it." Here is the true principle at once. My Lords, I have denied to you before that the government in the good times in that country ever did commit such enormities and iniquities. But this man at last takes off the mask, and completely disavows himself and disavows Mr. Hastings, and appears before the Council and says, "Do it by an act of power; give that to me which you have given to others." And who is the last person whose case he quotes? "Purgunnah Baharbund belonged to the zemindary of Ranee Bhowanny, and in 1180 was made over to Lucknaut Nundy. All these changes took place in the lifetime of the rightful possessors, without right, title or purchase."

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His avowal of the arbitrary action of the government.

Case of Lucknaut Nundy, son of Cantoo Baboo.

Your Lordships have not heard before of Lucknaut Nundy. He was the son of a person of whom you have heard before, called Cantoo Baboo, the banya of Mr. Hastings. Mr. Hastings has proved in abundance of other cases that a grant to father and son is the same thing. The fathers generally take out grants in the names of their sons; and this old lady, of the first rank and family in India, was stripped of part of her zamindary, and it was given to Lucknaut Nundy, the son of Mr. Hasting's banya. And then (you see the consequence of good examples) comes Gunga Govind Sing, and says, "I am as good a man as he; there is a zamindary given; since you have begun this, do as much for Gunga Govind Sing as you have done for Cantoo Baboo." Here is an argument drawn from the practice of Mr. Hastings in one iniquity, which shows how necessary it is to suppress and punish iniquities; for otherwise might not the Council have said, "Mr. Hastings has given away these things and recommended us to follow the same practice, let us then act upon his recommendation"? No, my Lords, you will punish Mr. Hastings; and no man will hereafter dare to rob minors or to desolate widows, in order to give to the vilest of mankind, his own base instruments for his own nefarious purposes, the lands of others without right, title or purchase.

My Lords, I will not after this state to you the false repre-

False representations

19 FEB. 1788. sentation which this man gave to the government respecting this property—that he represented it to be much less in value than it really was, when he desired a grant of it. When the matter comes before you at the proper time it shall be stated; but at present I am only touching upon principles, and bringing examples so far as they illustrate principles and show how precedents spread.

respecting the property.

I believe your Lordships will conceive better of the spirit of these transactions by my intermixing with them, as I shall endeavour to do, as much as possible of the grounds of them. For I will venture to say that no narrative that I can give, no painting, if I was either able or willing to paint, could describe to you these transactions in the strength in which they appear themselves: and, that your Lordships may see that it is so, you find a man saying, what nobody could hardly believe a man could say, "It was given to others without right, title or purchase; give it to me without right, title or purchase. Give me the estates of minors without right, title or purchase, because Mr. Hastings gave the estates of widows without right, title or purchase."

History of the illegal grant of the zamindary of Baharbund to Cantoo Baboo's son.

Of this exemplary grant, of this pattern for future proceedings, I will show your Lordships the consequence. I will read to your Lordships part of the examination of a witness, taken from a report of a committee of the House of Commons*:—

"Are you acquainted with the situation of the zemindary of Baharbund?" "It lies to the eastward of Dinagepore and Rungpore. I was stationed in that neighbourhood."—"To whom did it originally belong?" "I believe to the zemindary of Radshi, belonging to Ranee Bhowanny."—"For what reason was it taken from the Ranee of Radshi and given to Cantoo Baboo?" I do not exactly recollect. I believe on some plea of incapacity or insufficiency in her to manage it, or some pretended decline in the revenue owing to mismanagement."—"On what terms was it granted to Cantoo Baboo or his son?" "I believe it was a grant in perpetuity, at the revenue of rupees 82,000 or 83,000 *per annum*."—"What amount did he collect from the country?" "I cannot tell. The year I was in that neighbourhood, the settlement with his under tenants was something above rupees 353,000. The inhabitants of the country objected to it. They assembled in a body of about five thousand, and were proceeding to Calcutta to make known their grievances to the committee of revenue. They were stopped at Cossimbazar by Noor Sing Baboo, the brother of Cantoo Baboo, and there the matter was compromised, in what manner I cannot say."

Your Lordships see that Mr Hastings' banya got this zamindary belonging to this venerable lady, who was unable

* Evidence of Mr. Peter Moore, 23rd March, 1787, printed as above, p. 123.

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to protect herself; that it was granted to him without right, title or purchase. And, to show you that Mr. Hastings had been in a constant course of such proceeding, here is a petition from one of the natives for some favour from the government, which it is not necessary now to state. But, in order to make good his claim, he states what nobody denied, but which is universally known in fact, namely, that it was the constant practice, by which the country had been robbed under Mr. Hastings, known and acknowledged to be so, to seize upon the inheritance of the widow and the fatherless. In this manner did Gunga Govind Sing govern himself upon the direct precedent of Cantoo Baboo, the banya of Mr. Hastings; and this other instrument of his, in like manner, calls upon the government for favour of some kind or other upon the same principle and the same precedent.

Proofs of the frequency of illegal grants of land by Mr. Hastings.

Your Lordships now see how necessary it was to say something about arbitrary power: for, first, the wicked people of that country—Mr. Hastings' instruments I mean—pretend right, title, purchase, grant; and when their frauds in all these legal means are discovered, then they fly off, and have recourse to arbitrary power, and say, "It is true I can make out no right, title, grant or purchase; the parties are minors; I am bound to take care of their right. But you have arbitrary power: you have exercised it upon other occasions; exercise it upon this; give me the rights of other people." This was the last act, and I hope will be the last act, of Mr. Hastings' wicked power, done by the wickedest man in favour of the wickedest man, and by the wickedest means, which failed upon his own testimony.

To bring your Lordships to the end of this business, which I hope will lead me very nearly to the end of what I have to trouble your Lordships with, I will now state the conduct of the Council, and the resolution about Gunga Govind Sing. I am to inform your Lordships that there was a reference made by the Council to the committee of revenue, namely, to Gunga Govind Sing himself—a reference with regard to the right, title and mode of proceeding, and many other circumstances, upon which the committee, being such as I have described, very naturally were silent. Gunga Govind Sing *loquitur solus*, in the manner you have just heard. The committee were the chorus; they sometimes talked—filled up a vacant part—but Gunga Govind Sing was the great actor, the sole one. The report of this committee

Conduct of the Council in reference to the grant to Gunga Govind Sing.

19 FEB. 1788. being laid before the Council, Mr. Stables, one of the board, entered the following minute on the 15th of May, 1785:—

Minute of a member of the board, exposing the fraudulency of the transaction.

"I have perused the several papers upon this subject, and am sorry to observe that the committee of revenue are totally silent on the most material points therein, and sending the petition to them has only been so much time thrown away; I mean on the actual value of the lands in question; what the amount derived from them has been in the last year; and what advantages or disadvantages to government by the sale; and whether in their opinion the supposed sale was compulsive or not. But it is not necessary for the discussion of the question respecting the regularity or irregularity of the pretended sale of Salbarry to Gunga Govind Sing, the dewan, to enter into the particular assertions of each party. The representations of the Rajah's agent, confirmed by the petitions of his principal, positively assert the sale to have been compulsive and violent; and the dewan as positively denies it, though the fears he expresses 'that their common enemies would set aside the act before it was complete' show clearly that they were sensible the act was unjustifiable, if they do not tend to falsify his denial. But it is clearly established and admitted by the language and writings of both parties that there has been a most unwarrantable collusion in endeavouring to alienate the rights of government, contrary to the most positive original laws of the constitution of these provinces, 'that no zemindar and other landholder paying revenue to government shall be permitted to alienate his lands without the express authority of that government.'

"The defence set up by Gunga Govind Sing does not go to disavow the transaction; for if it did, the deed of sale, &c. produced by himself, and the petition to the board for its confirmation, would detect him. On the contrary, he openly admits its existence, and only strives to show that it was a voluntary one on the part of the Ranee and the servants of the Rajah. Whether voluntary or not, it was equally criminal in Gunga Govind Sing as a public officer of government, because diametrically opposite to the positive and repeated standing orders of that government for the rule of his conduct as dewan and native guardian of the public rights, entrusted especially to his care; because it was his duty, not only not to be guilty of a breach of those rules himself, but as dewan, and exercising the efficient office of kanungo, to prevent, detect, expose, and apprise his employers of every instance attempted to the contrary; because it was his duty to prevent the government being defrauded, and the Rajah, a child of nine years old, robbed of his hereditary possessions, as he would have been if this transaction had not been detected; whereas, on the contrary, the dewan is the principal mover and sole instrument in that fraud and robbery, if I am rightly informed, to the amount of 42,474 rupees in perpetuity, by which he alone was to benefit; and because he has even dared to stand forward in an attempt to obtain our sanction, and thereby make us parties to, in my opinion, a false deed and fraudulent transaction, as his own defence now shows the bill of sale and all its collateral papers to be.

"If offences of this dark tendency and magnitude were not to be punished in a public manner, the high example here set the natives, employed under the government, by their first native officer, would very soon render our authority contemptible, and operate to the destruction of the public revenues. I will not dwell further on the

contradictions in these papers before us on this subject. But I beg leave to point out how tenacious the government have been of insuring implicit obedience to their rules on this subject in particular, and in prohibiting conduct like that here exhibited against their public officer; and how sacredly they have viewed the public institutes on this subject which have been violated and trampled on; and it will suffice to show their public orders on a similar instance which happened some time ago, and which the dewan, from his official situation, must have been a party in detecting. 19 Feb. 1788.

"I desire the board's letter to the committee on this subject, dated the 31st May, 1782, may be read, and a copy be annexed to this minute. I therefore move the board that Gunga Govind Sing may be forthwith required to surrender the original deeds produced by him as a title to the grant of Salbarry, in order that they may be returned to the Rajah's agents to be made null and void. I further move the board that the dewan Gunga Govind Sing, together with his naib, Prawn Kishin Sing, his son and all his dependents, be removed from their offices, and that the Roy royan, Rajah Rajebullub, whose duty only Gunga Govind Sing virtually is to perform, be reinstated in the exercise of the duties of his department; and that Gunga Govind Sing be ordered to deliver up all official papers of the sircar to the committee of revenue and the Roy royan; and that they be ordered accordingly to take charge of them, and finally settle all accounts."

Motion thereupon overruled by the Council.

This motion was overruled, and no final proceeding appears.

Mr. Hastings' government founded on bribery and oppression.

My Lords, you have heard the proceedings of the court before which Gunga Govind Sing thought proper to appeal, in consequence of the power and protection of Mr. Hastings being understood to exist after he left India and authenticated by his last parting deed. You will judge by that last act of Mr. Hastings what the rest of his whole life was. My Lords, I do not mean now to go further than just to remind your Lordships of this, that Mr. Hastings' government was one whole system of oppression, of robbery of individuals, of destruction of the public, and of supersession of the whole system of the English government, in order to vest in the worst of the natives all the powers that could possibly exist in any government, in order to defeat the ends which all governments ought in common to have in view. Thus, my Lords, I show you at one point of view what you are to expect from him in all the rest. I think I have made out as clear as can be to your Lordships, so far as it is necessary to go, that his bribery and peculation was not occasional, but habitual; that it was not urged upon him at the moment, but was regular and systematic. I have shown to your Lordships the consequence of such a system acting upon the revenues. Your Lordships will see the result of

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Mr. Hastings thus peculating and publicly destroying—for it was much more than waste and prodigality—all the revenues of the country, in order to acquire for himself that protection which such acts would necessarily require.

His plea of increasing the revenue.

I beg now to state to your Lordships that Mr. Hastings pleads one constant merit to justify those acts, namely, that they produce an increase of the public revenue; and accordingly he never sells to any of those wicked agents any trusts whatever in the country, that you do not hear that the sale will considerably tend to the increase of the revenue. Your Lordships will see that when he sold to wicked men the province of Behar in the same way in which Deby Sing had this province of Dinagepore, consequences of a horrid and atrocious nature, though not to so great an extent, followed from it. I will just beg leave to state to your Lordships that the kingdom of Behar is annexed to the kingdom of Bengal; that this kingdom was governed by another provincial Council; that he turned out that provincial Council, and sold that government to two wicked men, one of no fortune at all, and the other of a very suspicious fortune; one a total bankrupt, the other justly excommunicated for his wickedness in his country, and then imprisoned for misdemeanours in a subordinate situation of government. Mr. Hastings destroyed the Council that imprisoned him; and, instead of putting one of the best and most reputable of the natives to govern it, he takes out of prison this excommunicated wretch, hated by God and man—this bankrupt—this man of evil and desperate character—this mismanager of the public revenue in an inferior station: and, as he had given Bengal to Gunga Govind Sing, he gave this province to Rajas Kelleram and Cullian Sing.

Sale of the province of Behar to Rajas Kelleram and Cullian Sing.

Bribe received, and increase of revenue pretended.

My Lords, it was done upon this principle—that they would increase, and very much better the revenue. These men seemed to be as strange instruments for improving a revenue as ever were chosen, I suppose, since the world began. Perhaps their merit was that they had given a bribe of 40,000*l.* to Mr. Hastings. How he attempted to dispose of it I do not know; but he says, "I disposed of it to the public, and it was in a case of emergency." You will see in the course of this business the falsehood of that pretence; for you will see that though the obligation is given for it as a round sum of money, the payment was not accomplished till a year after; therefore it could not answer any immediate exigence of the Company. Did it answer in an

increase of the revenue? The very reverse. Those persons who had given this bribe of 40,000*l.* at the end of that year were found to be 80,000*l.* in debt to the Company. The Company always loses when Mr. Hastings takes a bribe; and when he proposes an increase of the revenue the Company loses often double. But I hope and trust your Lordships will consider this idea of a monstrous rise of rent given by men of desperate fortunes, situations and characters, to be one of the grievances instead of one of the advantages of this system. For, when a just, natural, easy, revenue is quitted in a country; when the limits which nature, justice and reason, prescribe to all governments with respect to revenue are shamefully transgressed; the consequence will be that the worst men in the country will be chosen—as Mr. Hastings has actually chosen the worst men in the country—to effectuate this work. Because it is impossible for any good man by any honest means to provide at once for the exigencies of a strong, severe, public exaction, and for the private bribes of a rapacious chief magistrate. The consequence of such a system must be oppression, rack and ruin, cruel exactions and horrible tortures; so that none but wicked, bloody and rapacious, persons can be employed to execute such a task. 19 Feb. 1788.

Therefore I charge Mr. Hastings—and we shall charge him afterwards, when we come to bring the evidence more directly and fully home—with having destroyed, for private purposes, the whole system of government by the six provincial Councils, which he had no right to destroy. Charges against Mr. Hastings. Suppression of the six provincial Councils.

I charge him with having delegated away from himself that power which the act of Parliament had directed him to preserve inalienably in himself. Illegal delegation of power.

I charge him with having formed a committee to be mere instruments and tools, at the enormous expense of 62,000*l.* *per annum*. Establishment of a committee of revenue.

I charge him with having appointed a person their diwan, to whom these Englishmen were to be subservient tools; whose name was—to his own knowledge, by the general voice of the Company, by the recorded official transactions, by everything that can make a man known—abhorred and detested, stamped with infamy; and I charge him with giving him the whole power which he had thus separated from the Council General and from the provincial Councils. Appointment of a notoriously corrupt character as their diwan.

I charge him with taking bribes of Gunga Govind Sing. Taking bribes.

19 Feb. 1788. Treachery. I charge him with not having done that bribe-service which fidelity, even in iniquity, requires at the hands of the worst of men.

Robbery after receipt of bribes. I charge him with having robbed those people of whom he took the bribes.

Defrauding widows, I charge him with having fraudulently alienated the fortunes of widows.

and orphans. I charge him with having, without right, title or purchase, taken the lands of orphans and given them to wicked persons under him.

Appointment of Deby Sing as guardian to the minor Raja. I charge him with having removed the natural guardians of a minor Raja, and given his zamindary to that wicked person, Deby Sing.

Consignment of provinces to Deby Sing. I charge him—his wickedness being known to himself and all the world—with having committed to Deby Sing the management of three great provinces; and with having thereby wasted the country, destroyed the landed interest, cruelly harassed the peasants, burnt their houses, seized their crops, tortured and degraded their persons, and destroyed the honour of the whole female race of that country.

In the name of the Commons of England, I charge all this villany upon Warren Hastings in this last moment of my application to you.

Greatness of the present cause, criminal and prosecutors. My Lords, what is it that we want here to a great act of national justice? Do we want a cause, my Lords? You have the cause of oppressed princes, of undone women of the first rank, of desolated provinces and of wasted kingdoms.

Do you want a criminal, my Lords? When was there so much iniquity ever laid to the charge of any one? No, my Lords, you must not look to punish any delinquent in India more. Warren Hastings has not left substance enough in India to nourish such another delinquent.

My Lords, is it a prosecutor that you want? You have before you the Commons of Great Britain as prosecutors; and I believe, my Lords, that the sun, in his beneficent progress round the world, does not behold a more glorious sight than that of men, separated from a remote people by the material bounds and barriers of nature, united by the bond of a social and moral community;—all the Commons of England resenting as their own the indignities and cruelties that are offered to all the people of India.

Do we want a tribunal? My Lords, no example of antiquity, nothing in the modern world, nothing in the range of human imagination, can supply us with a tribunal like this. My Lords, here we see virtually, in the mind's eye, that sacred majesty of the Crown, under whose authority you sit and whose power you exercise. We see in that invisible authority, what we all feel in reality and life, the beneficent powers and protecting justice of His Majesty. We have here the heir apparent to the Crown, such as the fond wishes of the people of England wish an heir apparent of the Crown to be. We have here all the branches of the Royal Family, in a situation between majesty and subjection, between the Crown and the subject, offering a pledge in that situation for the support of the rights of the Crown and the liberties of the people, both which extremities they touch. My Lords, we have a great hereditary peerage here; those who have their own honour, the honour of their ancestors and of their posterity, to guard; and who will justify, as they have always justified, that provision in the constitution by which justice is made an hereditary office. My Lords, we have here a new nobility, who have risen and exalted themselves by various merits, by great military services, which have extended the fame of this country from the rising to the setting sun We have those who, by various civil merits and various civil talents, have been exalted to a situation which they well deserve, and in which they will justify the favour of their sovereign and the good opinion of their fellow-subjects, and make them rejoice to see those virtuous characters, that were the other day upon a level with them, now exalted above them in rank, but feeling with them in sympathy what they felt in common before. We have persons exalted from the practice of the law, from the place in which they administered high though subordinate justice, to a seat here, to enlighten with their knowledge and to strengthen with their votes those principles which have distinguished the courts in which they have presided.

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Constitution of the tribunal.

My Lords, you have before you the lights of our religion—you have the bishops of England. My Lords, you have that true image of the primitive church in its ancient form, in its ancient ordinances, purified from the superstitions and the vices which a long succession of ages will bring upon the best institutions. You have the representatives of that religion which says that 'God is love,' that the very vital spirit of its institution is charity; a religion which so much

19 FEB. 1788. hates oppression, that, when the God whom we adore appeared in human form, he did not appear in a form of greatness and majesty, but in sympathy with the lowest of the people; and thereby made it a firm and ruling principle that their welfare was the object of all government, since the person who was the Master of nature chose to appear himself in a subordinate situation. These are the considerations which influence them, which animate them and will animate them against all oppression; knowing that He who is called first among them, and first among us all, both of the flock that is fed and of those who feed it, made himself "the servant of all."

My Lords, these are the securities that we have in all the constituent parts of the body of this House. We know them, we reckon, we rest, upon them; and commit safely the interests of India and of humanity into their hands. Therefore it is with confidence that, ordered by the Commons,

I impeach Warren Hastings, Esquire, of high crimes and misdemeanours.

I impeach him in the name of the Commons of Great Britain in Parliament assembled, whose parliamentary trust he has betrayed.

I impeach him in the name of all the Commons of Great Britain, whose national character he has dishonoured.

I impeach him in the name of the people of India, whose laws, rights and liberties, he has subverted, whose properties he has destroyed, whose country he has laid waste and desolate.

I impeach him in the name and by virtue of those eternal laws of justice which he has violated.

I impeach him in the name of human nature itself, which he has cruelly outraged, injured and oppressed, in both sexes, in every age, rank, situation and condition of life.

SPEECH OF THE RT. HON. CHARLES JAMES FOX, MANAGER FOR THE HOUSE OF COMMONS, IN OPENING THE FIRST ARTICLE OF CHARGE, RELATING TO BENARES; 22 FEBRUARY, 1788.

My Lords,—Before I begin to open to your Lordships that important Article of this charge which I am directed to explain to your Lordships, I trust I shall not be considered as trespassing improperly upon your time and your patience if I venture to say a few preliminary words upon the situation of the Commons of England, and upon the situation of your Lordships, in the great and important business now under your consideration—if I venture to express in some degree the honest pride which I feel at the situation in which I stand before your Lordships. When I speak of the pride that I feel—when I say that I glory in the situation in which I stand before your Lordships—I trust that no man will suppose that I mean any individual or personal pride; though, all things considered, perhaps even something of that sort might be indulged to human frailty; and the honourable testimony which I have received upon this occasion from the unsuspected authority of the House of Commons might perhaps, in a weak mind like mine, give and impress some sentiments of personal pride and of individual satisfaction. But that is not the sort of pride I mean to state to your Lordships. They are not sentiments concerning so inconsiderable an individual as myself that I should venture to state to a tribunal so grave and so full of dignity as that which I am now addressing. The pride which I feel, and the situation in which I glory, is the pride that belongs to me as one of the representatives of the people of England—as one of the Commons of Great Britain.

Importance of the function of the House of Commons in impeachments.

My Lords, that the House of Commons is one of the distinguishing features of this constitution; that upon the existence of that body depends the liberty, the law, the every advantage which distinguishes the people of this country from those of the neighbouring states in Europe, is a proposition too plain, too simple, too elementary, for me to venture

22 Feb. 1788. to state to your Lordships. If, among the various functions of the House of Commons, there be one in which they appear with more peculiar dignity—with more peculiar utility—(for utility and dignity are inseparable in great political constitutions)—I say, if there is one circumstance in which they appear with more utility and consequently with more dignity, it is in the sort of business in which they are now engaged; when they are acting in their inquisitorial capacity and appearing before your Lordships in your judicial capacity.

My Lords, the laws of this country are often praised; they are often commended. But what security is there for the laws of this country? Laws may be good; judges may be corrupt. What is to secure the duty of judges—what is to secure their just execution of the laws of this country—but judges over them, namely, your Lordships? For I know no other tribunal before whom such judges should be arraigned. Your Lordships can arraign them upon the impeachment of the House of Commons: and, therefore, I will venture to state to your Lordships an opinion not new, and which certainly in the enlightened age in which we live will not be controverted, that upon the doctrine of impeachment—upon the right of the Commons of Great Britain to come to the bar of your Lordships—depends the whole common law of this country; depends the whole spirit of the law of this country; depends the personal privilege of every individual of this country; depends everything that we hold most sacred and hold most dear.

Right of Parliamentary criminal proceedings.

My Lords, to an assembly like this, from whom I should expect to learn and whom I certainly do not pretend to teach—to an assembly like this it is not necessary for me to state the nature of this great security of the constitution—to state the right of parliamentary criminal proceedings. My Lords, they proceed upon the principles of the law of England—upon the principles of the law of Parliament—the *lex et consuetudo Parliamenti*—the most valuable branch of all the law of England; because it is that branch which secures the just execution of every inferior part of that law. To an assembly like this it is not necessary for me to state that every elementary writer upon the law of England—that every authority that has ever written upon that subject, from Lord Coke, who has been emphatically styled the oracle of the law of England, down to Mr. Justice Blackstone, an eminent modern writer upon that subject—it has been universally recognised that the law of Parliament—the *lex et*

consuetudo Parliamenti—is a part of the law of England; that it is to be collected out of the journals and proceedings of Parliament; and it is as much a part of that law as any inferior and municipal branch of it. 22 Feb. 1788.

My Lords, if it be a part of it, I say it is a part more valuable than the whole; because it is a part without which the whole would be totally ineffectual and totally useless. To have laws is one thing; to have judges is another. The judges in modern times have—thank God they have!—preserved a character of purity unequalled perhaps in the example of any modern countries, and greatly superior to those in more ancient times. I mean not to detract from the character of those great and reverend persons; but I will venture to state that we are not in public to argue upon the particular characters of individuals. The constitution rests not upon such securities. The purity of the judges I will state to be owing to that to which the purity of all men, politically speaking, must be stated to be owing, namely, to the putting them out of the temptation of interest, on the one hand, and putting them under the dominion of just and legal fear, on the other.

If the judges of England have been more incorrupt and pure than the judges of other countries—if they have been more so in modern times than they have been in earlier periods—to what is it owing? It is owing to the acknowledged law of England—namely, that the Commons in Parliament may impeach a judge before the tribunal of the House of Lords, and that there is a law over him—the *lex et consuetudo Parliamenti*—to which he is obliged to pay obedience; which he is obliged to bow to; by which his actions must be judged; and which gives the only security for the due execution of his trust in the distribution of justice in the inferior tribunals in which he presides. I hope and trust, to such an assembly to which I am speaking, I am rather guilty of trespassing upon their patience or misspending their time than saying anything which can be doubted or controverted. For, if ever a period should arrive at which any magistrate of this country should dare to treat the *lex et consuetudo Parliamenti* with ridicule, contempt or indifference, I say this fair inference must be immediately drawn from the conduct of that magistrate—that he is a person who fears [derides?] the law to which all the subjects of Great Britain ought to be amenable, and so dares to bring into disrepute that upon which the whole constitution of this country supports and rests.

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Pride in representing the House of Commons in the present impeachment.

My Lords, I therefore say that I feel a proper glory, a proper pride, in my situation; that I stand in this place by the orders of the House of Commons and representing them; that I stand representing the Commons in their most respectable function, I mean the function of impeachment—in that function upon the existence of which, and upon a manly exercise of which upon the part of the Commons, depends every particle of the law of England—depends every personal security; depends the conduct of judges in all departments; and depends everything that we hold dear in this country. If that be the case with respect to impeachments in general, I will venture to state to your Lordships that, with respect to this particular impeachment, exclusive of the merits of it, which we shall consider by-and-by—but with respect to this particular impeachment—I feel a peculiar glory in being the instrument of the House of Commons upon such an occasion.

Former impeachments moved by a party in the House of Commons.

Former impeachments have been, many of them, in my opinion highly laudable. There have been some in which one might wish that some things had been different; but I believe they have all this in common, that they have generally been the prosecution of a powerful and triumphant party in the House of Commons, acting often and generally upon right principles, sometimes possibly upon mistaken ones; and that they have come, with the force and effect of a triumphant and ruling party in the House of Commons and the state, to the bar of your Lordships, to impeach persons who have [had] the misfortune to fall under their displeasure. I need not state to your Lordships that far different is the character of the present prosecution; different it is, and different to the eternal honour of all parties in the House of Commons who concurred in that impeachment.

Union of all parties in the present prosecutions.

It is unnecessary for me to suggest to your Lordships, nor would it be becoming the occasion of it were it not a truth not peculiar to the present period but belonging almost to every part of the history of this country, that undoubtedly there are subsisting in this country great political differences; that they are carried on with warmth, sometimes with eagerness, sometimes with animosity: but that such differences exist and operate more or less upon all the proceedings in both Houses of Parliament is a truth which, whether, as some speculatists affirm, be for the advantage or disadvantage of the general good, I will not inquire; but it is a truth, in point of practice, which all men must admit to exist.

I say then, if anything can give a noble picture of the present House of Commons it is this, that, in the midst of contests—in the midst of debates—when two parties are using against each other every means and resource of ability that belongs to them; nay, while the very subject now before you—I mean the subject of India and India government—is no inconsiderable part and no inconsiderable subject of these disputes—I say it exhibits a glorious spectacle to the world, in such a contest, to see the two opposite parties lay aside the weapons with which they were attacking each other; to see them join in the defence of those who are helpless; to see them turn from their disputes at home—not to acquire power—not to acquire fame (in the common sense of the word)—not to acquire interest by obliging this or that part of the British dominion who might favour their objects, whatever they were—but, both laying aside for the time all animosities and disputes in order to join in the defence of those who can only thank them with prayers and supplications to heaven; who can give them no interest in this country, can in no way assist their power, and can only reward them by the way in which the best actions are best rewarded in this country, by the reflection of having done them. This is honourable to the House of Commons, that, in the midst of their disputes, they have owned that, great as the subjects in which their disputes are—which disputes some ignorant persons state to be disputes about power and pre-eminence; those they ought to have sacrificed to the lightest occasion—but, as they themselves contend on both sides, disputes about great lines of the constitution of Great Britain, no less lines than the mark of the King's prerogative and the boundaries of the privileges of the House of Commons—these great and important objects in dispute and litigation they all yielded—to what?—to the only thing to which they could justly yield, to the claims of humanity and justice. For, as humanity and justice are the principal objects and ends of every government, the means, however important, must always be considered as subordinate to the ends. And it showed that those who so acted, acted upon the best, the most rational, principles; and showed that, however they might differ about the means of government—however they might differ in the most important points, such as I have alluded to—they left all their disputes, upon the superior and permanent claims of humanity and justice; they forgot every personal animosity, and joined to bring to your Lord- 22 Feb. 1788.

22 FEB. 1788. ships' bar a person whom they consider to have violated those laws of justice and humanity which I state to have united them upon circumstances the least promising for such a union.

Merit of the prosecution shared by the movers and supporters of it.

I trust your Lordships will entirely exculpate me from an idea, not only of any personal triumph over this subject, but anything like what could be supposed a triumph to those with whom I am connected. The merits which I state are different in their nature, but perhaps equal in order. Whether the merits of those who, under every discouragement, brought this business to the consideration of the House of Commons, or the merits of those whose candour would hear fairly and equitably truths, though coming from those to whom they were not used to listen with favour—whether of these two merits is the greater I don't mean to inquire. But I mean to state, that the merits of both appear considerable, and that the House of Commons comes to the bar of your Lordships on this occasion, and the bar of the public, with a glory in that respect unequalled by any of their ancestors; for that they come to you, not, as their ancestors have done upon various occasions, with indignation kindled in the moment—they come to you, not with anger arising from recent oppression—but they come with rational anger, kindled by examination and inquiry; they come to you with the indignation that is the result of cool and deliberate inquiry and not of momentary impressions.

The prosecution not intrusted to members of the government.

What I have hitherto stated in the peculiar circumstances of the House of Commons coming to your bar is, I trust, in the opinion of all who hear me, a most honourable circumstance to them. Let me at the same time make another observation, something pertinent to the present state of the business—that they come to the bar of your Lordships in a different view from that in which every other House of Commons have come. They come undoubtedly with a considerable difference in the persons whom they have employed to manage this impeachment. Look into the history of former impeachments; look into the history of former prosecutions; and it is not often—I believe it is never—that you will find that the House of Commons have liberally, generously and handsomely, intrusted the preservation of their interests to those whose authority is not supposed to be prevalent in that House; and that persons, of the description of those with whom I have the honour to act myself, have not often had the distinguished honour, which we have this day, of appear-

ing before your Lordships in the characters in which we appear. Why, my Lords, will not this circumstance, to every generous, to every candid, understanding, to every liberal and enlightened mind, give considerable additional authority to the impeachment which we have brought before your Lordships? Undoubtedly it will. 22 Feb. 1788.

But I much fear that that which prevails with every candid and liberal mind may have a different operation with minds of a different description. I cannot but be apprehensive that, somewhere or other, there may be men who know not what liberality and candour is; whose only motives and principles of action are mere interest and fear; and that such men, seeing that the prosecution comes to the bar of your House not managed by those who are invested with the public authority of the country—not managed by those who have the power of punishment in some degree on the one hand, and who have the power of reward abundantly on the other—that there may be such men, whom I have described, who will venture to treat this impeachment, in every part of it, I mean the speeches we shall presume to make to your Lordships, the very articles of impeachment, and sometimes the very law of impeachment in general, with a degree of contempt, which they would not dare to do if it was brought to the bar of this House by those who possess the power of the country. Therefore, as I have stated, as we come to your Lordships' bar with every recommendation to every candid and liberal mind, we have a right to ask for something more—we have a right to ask for some degree of protection, at the same time that we come with authority. Because, as we are sensible that, on the one hand, our situation is a recommendation to every candid and liberal mind, so, on the other, to those whose minds are of the description and form I state, we come in a very different character: and if they hate the privileges of the Commons; if they are notorious in every instance for endeavouring to violate and turn them into ridicule; if there be such men, they may seize with joy the glorious opportunity and say, "Here is an impeachment brought to the bar of the House of Lords,—not by the prevalent power of the country, not by those who have the means of punishing me if I deserve punishment, not by those who have the means of rewarding me if I support their interest; therefore I will intrench upon the liberties of the Commons by uttering opinions upon that impeachment which, I am confident, fear and interest would prevent me from

Protection required on that account.

22 FEB. 1788. uttering if it were brought by other persons, or by those identical persons in different situations and in different places in this country."

Having, therefore, stated to your Lordships, on the one hand, the grounds upon which I think we are intitled to some peculiar authority upon this occasion—peculiar and different from that authority which upon any other the Commons would have a right to demand at the bar of your Lordships—and, on the other hand, that we have a right to expect that protection which candid and liberal minds will always afford to those whose situations do not give them everything that power and pre-eminence in a country can give; I shall now proceed, with no further delay, to open the business which I have in command to open; trusting to the justice of the cause; trusting to the impossibility there is for any tribunal upon earth—much less for this tribunal, whom I honour and respect—in the face of the public, in the face of their country, to pronounce a man, against whom we shall bring what your Lordships shall see—to pronounce him to be not guilty.

Simplicity of the subject of the present charge.

My Lords, the subject which I am about to open to your Lordships, fortunately for me, is proportioned to my abilities; because, though it be a subject of importance, and therefore in that way not proportioned to them, yet it is a subject which, in the nature of it, admits of but little perplexity and still less doubt. It is a subject in which, though it involves many facts, your Lordships will perceive clearly and distinctly the particular facts upon which criminality is meant to be attached and to be imputed. And therefore I am certainly very fortunate that, in being the first to state to your Lordships the business which I am about to state, that is committed to my charge, it is neither involved nor does it go into many doubtful disquisitions; that it depends not upon many very difficult researches, but depends in general upon plain facts, which we shall prove to your Lordships beyond contradiction, where proof is necessary, but which for the most part are admitted by the prisoner at the bar; and that the reasonings on those facts will not be drawn from abstruse and difficult researches into the laws of Hindustan. They will not be drawn from researches into the laws of the Gentus; they will not be drawn from researches into the laws of the Mohammedans; they will not be drawn from researches into the laws of Great Britain; but they will be drawn from the general principles of law that pervade the world in every part of the globe, which all men recognise,

and which no man can shake from himself. My Lords, this subject has been so treated by one honourable Manager who went before me that I will not take off the force of what fell from him by endeavouring to repeat it; but I am sure that it required not his commanding eloquence to impress upon your Lordships that which nature had impressed upon the mind of every man before him—that there are general laws of morality and justice, which pervade every constitution in the world, and which are impressed upon the mind of every individual man. 22 Feb. 1788.

The matter about to be explained not touched upon in Mr. Burke's speech.

My Lords, it is necessary to observe that the matters which I am about to explain to your Lordships are, literally speaking, new to your Lordships; that the honourable Manager, who made the general opening, did not even touch upon the part which I am now about to explain to your Lordships. His principle and his system in opening, which I thought had met with the approbation of your Lordships, and I am still willing to think so, was not to go into the matter of particular charges, but to state a general introductory matter necessary for the explanation and the elucidation of the cause. He stated a variety of matters in that business which he expressly told your Lordships he had no intention of proving at your bar, unless called upon so to do; because he perfectly knew—as indeed any man acquainted with the common forms of criminal proceedings must know—that, in stating a crime against any man, there is much introductory and prefatory matter necessary to be stated which is not necessary to be proved; which, if called upon to be proved, is proved by different laws of evidence from those different points which attach upon the person accused and impute criminality to him. He knew that it was the general practice of the courts of justice—that it was peculiarly so of this. Therefore he stated, clearly and distinctly, at the bar of your Lordships, that it was no intention of his to bring proofs to all the prefatory matter which he stated at your bar. On the other hand, he said, with a magnanimity which became him—because magnanimity becomes those who are founded in truth—that he was willing, if called upon and required, to prove everything he had stated; because he knew himself capable of so doing.

It would be very unfortunate if any of your Lordships, or any of the public, should have so little attended to what fell from the honourable person alluded to, as not to attend to the different parts of that opening, which are distinct in

22 Feb. 1788. this point of view. All that was prefatory, introductory and historical, was stated as not intended to be proved unless called for. Everything that attached criminality upon Mr. Hastings he stated would be proved in the course of evidence before your Lordships. And persons who did not attend to that distinction, if any such inattentive hearer there can be—I am sure the patience with which your Lordships attended will not permit me to suspect any such inattentive hearer could be among you—in my opinion confounded two things which no person used to judge—which no person used to criminal inquiries—can possibly confound. With respect to one, he stated distinctly that he meant not to prove the matters unless called for. With respect to the other, he stated that they would be proved, not by any evidence intended to be produced in support of his introductory speech, but they would be proved when we came to those particular Articles of which those particular accusations made a part. Therefore, it has so happened, that what I am now about to state to your Lordships has not been in any degree anticipated or first told by the honourable Manager who opened this business; and I come with matter new to your Lordships, important and, as I think, clear.

The Managers intitled to respect.

My Lords, I will make one single observation before I proceed to the matter—which perhaps I ought to have made before—I mean, with respect to the particular situations in which the Managers of the Commons stand as distinct from common prosecutors. I am sure that, if they claim any privileges, they must not be privileges inconsistent with justice. I am sure that it is not inconsistent with justice for the Managers of the House of Commons to insist that their representative characters must be treated with respect; much more is it necessary that they should insist that the House of Commons itself, and their charges and allegations, should be treated with every degree of respect. And I trust, my Lords, that if, in the execution of that duty which we owe to the House of Commons, and which we cannot depart from, we object to anything [in a manner?] that in the opinion of any person may seem captious, they will do us the justice to suppose we do it, not on our own individual personal account, but in support of the great fiducial trust reposed in us. On the other hand, to show I shield myself under nothing, I will mention another duty equally incumbent upon us. In common cases many advocates do state—and they do right, speaking as advocates—they state things which do not meet

Duty of the Managers to act in the spirit of judges, not advocates.

their own opinions. I conceive it is not just in us—that we betray the trust committed to us by the House of Commons—that we act ill as men, ill as members of Parliament—that we act contrary to our duty in every respect—if we venture to advance an opinion to your Lordships as an advocate distinct from a judge. If we offer or recommend anything to your Lordships, which we do not feel that in your Lordships' situations we should in ourselves adopt, we are guilty to a great degree. If we offer any argument that we do not think grounded in truth—that we do not think just—that we do not think reasonable—in my opinion we are equally answerable as if we sat in the seat of judgment, and gave a wrong, an improper and corrupt, judgment. 22 FEB. 1788.

Why does this duty attach upon us so much more than other prosecutors? Because we are conscious we have, or ought to have, an authority that does not belong to other prosecutors; because we are conscious that we come armed with the power of the House of Commons—that what we speak is not for ourselves, but the Commons of England. Let an advocate in a cause state an argument or propose a mode of proceeding. If that argument is fallacious, and that mode of proceeding is thought unjust, there is no blame to him. But let a Manager of the House of Commons recommend an unjust mode to your Lordships—let a Manager of the House of Commons suggest a fallacious argument to your Lordships—what does he do? He not only involves his own reputation, but he stands as a representative of the Commons of England, and conveys an idea that the Commons of England have demanded an injustice, or inforced a fallacious argument to your Lordships.

Therefore I shall consider in this business not what I ought to do if I were a mere advocate for a prosecution; I shall consider not merely what will be most likely to have any effect with your Lordships or the public, not merely what will be most likely to produce a verdict of the nature I require; but I shall do nothing which, as an honest man conceiving the case as I do conceive it, I do not think right and fit; and I would not be guilty, nor load my conscience with the reflection, of having suggested anything to your Lordships which, in your situation, I should not feel myself bound to adopt.

Every part of the present Article of charge strictly true.

My Lords, in the Article now before you there is, as there is in every Article—as there must be in every Article—as I believe, has been in every Article ever produced by the

22 Feb. 1788. House of Commons at the bar of your Lordships—many facts which in themselves are not criminal, which are only criminal inasmuch as they are connected with others. There is much prefatory, much introductory, matter. I am instructed by the Managers to say that there is nothing inserted in this Article, whether prefatory, whether introductory, whether to the direct point of guilty or not guilty, which is not correctly and literally true as they have stated. But, at the same time, they know too well your Lordships' learning, they know too well your Lordships' judgment and discerning, to be under the least apprehension that, failing in the proof of this or that point, if there is enough remaining to attach criminality upon the person accused, but that upon that Article he must be found guilty.

Denial by the prisoner of statement respecting Raja Bulwant Sing.

My Lords, of this nature is the very first proposition in this Article, and upon which I confess that I should not have troubled your Lordships at all, at the outset of this business, if it had not appeared proper to the person at your bar to deny the fact. The first thing that we set out with in this Article is a declaration that,—

> "Rajah Bulwant Sing, a great chief or zemindar of certain provinces or districts in India called Benares and Gazepoor, dependant upon the Mogul empire through Sujah-ul-Dowlah, Nabob of Oude, and Vizier of the said empire, did, in the commencement of the English power in India, in or about the year 1764, attach himself to the British nation, and was, in the opinion of the Directors of the East India Company, of signal service to the affairs and interests of Great Britain."

Now, my Lords, as the first fact here stated is almost the single fact which the prisoner has ventured specifically to deny, I shall misspend a very short part of your Lordships' time upon that subject. The fact which he denies is (he denies it to be sure in a cautious manner), that Bulwant Sing was a chief in the sense in which we have stated him to be a prince or chief. I will waste no more of your Lordships' time than to assure you that we shall prove that this person, whom he contends not to have been a chief, was a person who was solicited by the East India Company as an ally; was a person whose country was stated to be a barrier; and was in every other respect what your Lordships or any other persons of common sense would consider a chief, not only in the sense in which we have stated, but in a sense much more enlarged and much more exalted.

Services rendered to the Com-

The history of this business is short, and therefore I shall venture to detail it to your Lordships. Bulwant Sing was a

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pany by Bulwant Sing.

chief. I know some persons say he was not a zamindar, but I do promise your Lordships that I shall not embarrass you with that question, and that the prisoner shall have it all his own way—that a person shall be called zamindar, landholder, or any other name that he pleases to give him. I mean to prove the prisoner guilty upon substance and not upon form or words; and therefore I do not mean to state or insist that Bulwant Sing was zamindar, or [landholder ?], or anything else; be he what he will, he was the chief of a considerable district in India, and he did use the power which he had for the service of the East India Company. Those services are recognised by the East India Company; they are recognised in some instances by Mr. Hastings himself; and so completely recognised by those who were in the government of the East India Company's affairs abroad at that time, that, in the peace with Suja-ud-Dowla, it was considered a point of honour and interest to the East India Company to secure the interests of Bulwant Sing. This fact is undoubtedly no way material in this cause, excepting in the view of aggravation; because when we shall prove Mr. Hastings to have acted in the manner which we shall prove with respect to Cheyt Sing, it may be an aggravation of his crimes that Cheyt Sing was the son of a parent to whom the East India Company was indebted, and whose services they had recognised; because to have acted in the manner he did to Cheyt Sing, or to any man descended from any parents whatever, we shall contend to be criminal.

Bulwant Sing I beg your Lordships to understand to have been the chief of a province, and to have been possessed of a power in that country which he used for the advantage of the East India Company—the advantage of which the Company recognised and secured his possession in the treaty they afterwards made with Suja-ud-Dowla.

At the death of Bulwant Sing, Benares granted to Cheyt Sing.

Upon the death of Bulwant Sing, a new grant was made of Benares and Ghazeepoor to his son, Cheyt Sing. I shall make few observations upon that grant; but it will be necessary for your Lordships to observe, as the course of the evidence will give you opportunity, that, in the opinion of Mr. Hastings, Suja-ud-Dowla did no more, in that grant to Cheyt Sing, than he was obliged to by the spirit, if not by the letter, of his engagement with Bulwant Sing. When that grant had been made three years, the grant was confirmed again to Cheyt Sing. What the reason—what

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The grant confirmed by Mr. Hastings.

the motive, of that confirmation was, I never yet have been able to learn. However, this circumstance attended it, that to that confirmation Mr. Hastings was a party; and Mr. Hastings was bound to understand the nature of that confirmation; and it appears, from all Mr. Hastings' subsequent transactions, that he understood the confirmation of that grant in the way in which I shall hereafter state to your Lordships.

Cheyt Sing pressed by Suja-ud-Dowla to make advances of tribute.

It is a material circumstance for your Lordships to keep in your mind, that at the time of this confirmation, in the year 1773, Suja-ud-Dowla, if he was actually at peace, was upon the eve of a war; that he was in that situation upon which hereafter we shall have occasion to observe—a situation in which he was obliged to look for all the resources of his kingdom. My Lords, some time after this grant, which was in the year 1773—I believe in the year 1775 that happened I am now alluding to—Suja-ud-Dowla, pressed by the Company to make them certain payments, endeavoured to do it by forcing Cheyt Sing, who had succeeded to his father, to advance sums before they were due upon his tribute. What was the conduct of the East India Company's servants upon that occasion? What was the conduct of Mr. Hastings? Did they or did he represent to Suja-ud-Dowla that the treaty forbad him to ask for more? Did they represent that his engagements were positive to twenty-two lacs of rupees, which was to be his tribute, and that the East India Company would not allow him to ask more, being guarantee to those treaties? I will admit these were not Mr. Hastings' own words or minutes; but you will find, in the correspondence of Mr. Bristow, that Mr. Bristow, acting under commands of the Governor General and Council, stated to Suja-ud-Dowla that it was a demand he was not intitled to make, not only from the spirit of the treaty, not only from the protection the East India Company afforded Cheyt Sing, but from the very letter of the treaty.

But protected by the Company.

The Company afterwards bound by the same restrictions as Suja-ud-Dowla.

Soon after this, Benares came to stand in a different situation and different relation to the Company. And here, my Lords, let me pause for a moment in the history of the facts, and state to your Lordships a principle which I think is evident and requires little enlargement—which I think has the recognition of Mr. Hastings himself; but, whether it has or no, it will I am sure have the recognition and applause of your Lordships. If it be true that Suja-ud-Dowla had an agree-

ment with his dependent, Cheyt Sing, by which he was limited not to exact of Cheyt Sing beyond a certain stipulated revenue—if it be true that the Company were guarantees to that stipulation, and had a right to interfere to prevent Suja-ud-Dowla from exacting more than by the stipulated treaty he was authorised to exact—if that be true, is not this a necessary and self-evident consequence that, if that dominion was afterwards yielded to the East India Company by Suja-ud-Dowla or Asoff-ud-Dowla, it must be yielded upon the terms upon which he had it, and that they were bound, upon every term of justice, to exact nothing of Cheyt Sing but what they had permitted Suja-ud-Dowla and Asoff-ud-Dowla in similar circumstances to exact? If a subject stood in one relation to his sovereign; if that relation to his sovereign was acknowledged, recognised, enforced and protected, by the East India Company; when the Company should afterwards become sovereign of that country by cession, not by conquest (which I think would make but little difference), when they should become possessed from Suja-ud-Dowla and his successors of that country, they would be bound to support Cheyt Sing at least in as good a relation with respect to themselves as he stood in with respect to Suja-ud-Dowla or to Asoff-ud-Dowla. This proposition appears to me self-evident in point of justice; and therefore it would ill become me, when a point appears self-evident in point of justice, to draw any arguments in point of expediency and policy. 22 Feb. 1788.

It would be an ill lesson indeed to the people of India if it were to be understood, that, while you are subjects to the Wazir, while you are subjects to Asoff-ud-Dowla, we will protect you in your rights; while you hold your sovereignty of him we will stand forth in favour of you; if they attempt to oppress you we will rescue you from the hands of your lawful master; but if, by conquest or by any other means, we become your sovereigns, remember there is none can guarantee the treaty between you and us; the power of the sovereign is all, the right of the vassal is nothing; and you are a person without right, engagement, or any political existence, but my will and arbitrary pleasure. That that doctrine is unjust, that it is inequitable, that it is monstrous, that it is detestable, is so clear that I am almost ashamed for having misspent your Lordships' time so much, in having given the additional argument to show how impolitic it is. But it is as impolitic as unjust—holding out a lesson to

22 FEB. 1788. India that the dominion of the India Company is more severe than the native power, and so much more to be dreaded. If a prince oppresses his vassal the Company can succour him; but if the Company oppress him it is not easy to find a prince in India that can interpose in his behalf.

Cheyt Sing bound only to pay a fixed tribute.

I take it as an admitted principle that, with respect to Suja-ud-Dowla and Asoff-ud-Dowla, Cheyt Sing stood in this situation—he was bound to pay an express tribute, and nothing more was to be exacted from him but that tribute. I need not go into any arguments to prove that he stood in the same situation to the Company; only that ten thousand times more the Company were bound, having shown their opinion when they acted as arbitrators in it, and that they had no right to exact one farthing which they had not permitted Suja-ud-Dowla and Asoff-ud-Dowla to exact.

Mr. Hastings' declared opinion in favour of Cheyt Sing's independence.

My Lords, though I have stated this principle as a principle upon which I should conceive there could be no dispute, we shall bring matter before your Lordships that will make it even unnecessary to have recourse to this principle itself. For, in the year 1775, when Mr. Hastings was, generally speaking, in the minority of the Council, he stated it as his opinion, before the cession was made to the Company, that Cheyt Sing should be made more independent than he was. That opinion of Mr. Hastings prevailed—not unanimously we admit. There was one of the members of the Council, Colonel Monson, of a different opinion. I mention this, not to show the influence that it had upon Cheyt Sing's situation, but to show Mr. Hastings' opinion upon the subject; because when I shall have proved to you, as I shall have done, the illegal manner in which this prince was oppressed, I shall, by way of aggravation, and a just aggravation, of the charge against the prisoner, prove to your Lordships that, though it would have been criminal in me, or any of your Lordships, to have acted towards Cheyt Sing as Mr. Hastings has done—that, though it would have been so criminal as to call justly for the exemplary vengeance of this country—that it is more criminal in Mr. Hastings personally to do what he did than it could have been in any other man existing upon the face of the earth. Therefore I beg your Lordships to keep in your minds that Mr. Hastings' opinion was that Cheyt Sing should be rendered more independent.

When Benares was ceded by the Wazir to the Company there was a new arrangement made. But that new arrange-

ment was made upon the principle I have stated, that Cheyt Sing had a right to be at least in as good a state as he was with respect to his former masters; which is an opinion also, that, as he had a right to be in as good a state, it might be policy and might be wisdom to put him in a better. Upon this occasion Mr. Hastings was forward in the business; he was inclined to push his ideas of Cheyt Sing's independency as far at least as many other members of the Council. And, as I stated in my opening upon the subject, undoubtedly, if any proceeding could carry more weight than another of a public body, that carries most weight in which those agree who are not used to agree. It is in favour of the proceeding upon the arrangement of Cheyt Sing that, in every instance almost, the motions appear to have come from Mr. Hastings, and those motions to have been approved by a majority of the Council. 22 FEB. 1788.

Position assured to Cheyt Sing when Benares was ceded to the Company. The power of criminal justice and the mint allowed him.

It was proposed and adopted, not only that Cheyt Sing might be really independent and uncontrolled in his zamindary or province, whatever it be called—not only that he might be uncontrolled, but that all the world might see he was uncontrolled and free. That he might have the ensigns of a sovereignty and every mark of power, it was thought to be proper that the criminal justice and the mint should be given to him. Would your Lordships expect to hear that that man who suggested and moved that Cheyt Sing, in the province of Benares, should have the criminal justice and the mint—that that very man who moved the proposition, who moved it for the purpose of putting him in a high and illustrious situation with respect to other persons of his own rank—that that very person who moved it, who persuaded the Council to adopt it unanimously—as unanimously they did adopt it—should afterwards dipute the effect of his own motion, and say, "This is a mere vassal"? In the sense in which he uses vassal this is a person no way distinguished from all the common subjects of the country. Who is this person undistinguished? who is this person—this common vassal—this common tributary—this common landholder—as he calls him, a common depraved zamindar? A person to whom he thought fit to give the powers of the mint and the powers of criminal justice—powers not commonly used in the country. Need I go further upon this subject? Need I suppose that Mr. Hastings, General Clavering and the whole Council, were persons so ignorant of every principle of government, of every idea of political prudence, that they would give the power of the

22 Feb. 1788. mint and criminal justice to a person whom they considered to rank entirely upon a footing with all the common zamindars, all the common landholders and freeholders, of the country? I need not state to your Lordships the absurdity of such a proposition.

I wish to state to your Lordships my idea of the situation of Cheyt Sing, in order that your Lordships may afterwards reason upon it. If there should be anything erroneous in my idea upon the subject, I shall be very glad to be convinced and to retract that opinion; but I beg, when I state this, that it may not be considered that any contradiction to my opinion is an affirmation of Mr. Hastings' upon that subject: because it may be very difficult, there may be some delicacy, some doubt, in proving the exact situation in which Cheyt Sing stood with respect to the Company; but there can be no difficulty, delicacy or doubt, in proving that, in whatever situation he stood with respect to the Company, whatever interpretation might be given of his situation, it was not such as to justify the subsequent proceedings towards him.

Cheyt Sing is sometimes called zamindar, sometimes chief, and by other titles. But he is put in possession of the country; he has the whole administration of the revenue, and has a grant—a gift I admit it to be—of the administration of criminal justice, and he has the direction of the mint; and it is agreed that he should pay a stipulated tribute of twenty-two lacs of rupees to the Company. It is further said that, as long as he pays those twenty-two lacs and yields due obedience to the Company, no pecuniary or other demand should be made of him. If I should state anything not correctly with regard to words, as you will have the words before you afterwards, you will judge from the evidence and not from my speech. It is agreed by the Governor General and Council that, while he pays his tribute regularly and yields due obedience to the Company, no further demands shall be made of him of any kind, nor any interference with his free and uncontrolled authority. There is upon the face of these proceedings an apparent contradiction, upon the first view of this free and uncontrolled authority. We do not contend that this free and uncontrolled authority means independence of the sovereignty of the Company. No! he is to be left in the exercise of free and uncontrolled authority upon certain conditions. What are those conditions? I mean to state them to your Lordships.

Cheyt Sing's tribute to the Company limited.

Conditions attached to his independent authority.

I conceive that it is perfectly competent to any sovereign—

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whether that sovereign be a prince of absolute power—whether it be a republic—whether it be a mixed monarchy—or whether it be an East India Company—whoever is the sovereign, has this power to grant away by agreement a part of his sovereignty in particular instances. What is the grant to Cheyt Sing of this? They say:—"We retain our sovereignty over you; but agree with you that we will exercise it only in such a manner and in such a degree, with respect to the stipulated points."

It may be said, upon European ideas, that one duty of every subject is to assist his sovereign in his exigencies with money and with contribution: that duty of Cheyt Sing was compounded. They say:—"In lieu of the general duty which you owe to me to assist me as a sovereign, I will take twenty-two lacs and a half, and never ask more of any kind."

For fear that should be misunderstood, they superadd:—"And if you pay that, and pay due obedience to the Company, no further demands shall be made, nor will I interfere with your government; that is to say, you shall have a free and uncontrolled authority in your government as long as you comply with the conditions of these stipulations."

It is said, you do not lay the proper stress upon those words, *Cheyt Sing is to be free and uncontrolled.* How long? As long as he pays his tribute. Well and good! that he did pay. But there is another condition attached to his freedom and independency, namely, that he yields due obedience to the Company. Am I asked how I construe due obedience to the Company? I construe it, first, negatively, in not joining and adhering to the Company's enemies; in not plotting against the Company, nor favouring those who were acting against its interests. If you ask me the positive terms of obedience, I state it to be this—his adherence to his engagements, and his obedience to the Company.

Interpretation of "due obedience."

Now it is material to see how they state it, because it is a statement which will show your Lordships the nature of the argument upon which this and every other injustice of Mr. Hastings is founded. They say, *and yield due obedience to the Company* means paying the Company what money they shall ask for; in short, it means, what he afterwards states more emphatically, that their power is all and his rights nothing. Now consider what an argument is which has that condition in it so explained. Mr. Hastings first states—"Pay me twenty-two lacs, and I will ask you for

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no more." That seems an agreement in the common nature of agreements. But he superadds another condition—"Pay me twenty-two lacs and yield me due obedience, and I will ask for no more. I construe due obedience thus—give me as much more as I ask: then the sum of it is this—Pay me twenty-two lacs *per annum* tribute. As long as you pay that regularly, and give me as much more upon any occasion as it shall please me to ask, I will ask you for nothing further." But I am afraid even that would not support Mr. Hastings in the business, because he has hereafter declared that by due obedience he meant due obedience to sovereignty. What is the meaning of the word sovereignty? for Mr. Hastings has a dictionary of his own—different, thank God! from any law dictionary of this country—which it is necessary for us to consult upon this occasion. He will tell you, the word obedience is as I have explained it. Then what is sovereignty? "Sovereignty in India," says Mr. Hastings, "is a very different thing from European ideas of sovereignty. Sovereignty in India means arbitrary power, and nothing else." And, lest he should be thought to have made a slip, and by arbitrary power [to have] meant nothing more than absolute power — which I take to be a very different thing—he explains it. He says, "Though we made this agreement with Cheyt Sing, we reserved the rights of sovereignty." What are the rights of sovereignty? "Why, in India," says he, "the rights of sovereignty are arbitrary power." He explains what he means by arbitrary power. "The powers of the sovereign are everything; the rights of the subject are nothing." That is a complete definition; and so far, though I am in the general no admirer of Mr. Hastings' abilities or talents for writing, I must declare that he is the first person who has given a logical, pure, clear, definition of arbitrary power, namely, that it is where the powers of the sovereign are everything, and where the rights of the subjects are nothing.

Mr. Hastings' definition of "sovereignty" is "absolute power."

Then construe his engagements upon his construction of the rights of sovereign power. "We will put Cheyt Sing in as good a condition as he was under Suja-ud-Dowla"—he might easily have put him upon as good a footing, if the powers of the sovereign were everything and the rights of the subject nothing. "Nay," says he, "we will do more for him, we will give him ensigns of royalty; but we will reserve to ourselves, and be cautious of reserving to ourselves, the power of the sovereignty"—by which he means the

The Company's engagements to Cheyt Sing explained away by Mr. Hastings.

power to do everything, and to leave the poor man no rights at all: he has so stated. Construe this agreement upon that construction, it stands thus—"As long as you behave well in your zamindary; as long as you do justice; as long as you protect the English; as long as you do what it is your duty to do as a vassal; as long as you pay twenty-two lacs of rupees annually and yield due obedience—that is, give me everything more I ask—what then?—then you shall have free and uncontrolled exercise of authority in your country, under the sovereignty of the East India Company; by which word sovereignty I mean that my power is everything and your rights nothing." So that the reward, the return, the *quid pro quo*, for his fidelity upon that subject consists in this—"Pay me your money regularly; give me everything else I ask; obey me; adhere not to my enemies; assist me in difficulties; do all the duty of a subject and a vassal; and what then?—then you shall have the free and uncontrolled exercise of your power under my sovereignty. When you have done all that, I tell you your power is not anything, and I have everything. I have the most complete arbitrary power over your life, over your fortune, over your liberty, and over everything; and that is to be the consequence of your fidelity to your engagement to me in every part of it." 22 Feb. 1788.

Arguments against right of fining Cheyt Sing claimed by Mr. Hastings.

There is another part of this engagement which it is material for your Lordships to keep in your minds; and I believe, when I state it, your Lordships will hardly suspect that what I conceive to be a conclusive, nay, I will venture to say, from the boldness that belongs to me from my cause, a triumphant and irrefragable argument upon that subject, has, as your Lordships will see, been used by the defendant on his side of the question.

Much of the business upon this subject, in Mr. Hastings' view of it, turns upon the supposed right of fining, which the Company had upon the subject. Here happens to be a clause in this agreement which completely proves they had no such right whatever, and that if they had it they have completely, virtually, given it up with respect to Cheyt Sing. For, when they gave that great authority of the mint—an authority rarely fit to be delegated—they gave it to Cheyt Sing under particular terms, and stipulated with him that, if he did not coin according to a certain standard or fineness which is there stated, then—what then?—it should be competent for them to fine him as they shall think fit for such an offence.

Is not this a declaration that, without such an agreement,

22 Feb. 1788. they had no right to fine him for any misbehaviour whatever? Is not this a declaration that they had no such right, or that they yielded it in every case except the instance excepted?

State the proposition on the other side. Here is a power that has a right to fine for misdeeds, at pleasure almost; that may fine for any crime which it alleges to be committed by a man; and which declares also that the symbols of authority will be little against the brigades and the power of the Company. That such a power should think it necessary, with these full powers reserved over the whole fortune and state of Cheyt Sing, to insert a little petty condition, "that I may have a power to fine you in case you break this article in any little thing"—where was the use of putting in that? If the power was in them, they could not put it in without weakening instead of strengthening that power. If they were conscious that, by the uncontrolled power they gave Cheyt Sing—if they were conscious that, by the twenty-two lacs they annually received from Cheyt Sing—if they were conscious that, by the whole of the proceedings with Cheyt Sing, they had put him in a situation with respect to them which left them no longer a power to exercise that right of sovereignty called punishment by a fine—then they did wisely, then they did consistently, and acted like men; because they say that, "Though I give up this in this particular case, yet I think it important to reserve the power of exercising the sovereignty in this particular instance." Happy am I that there is that article in it; because I am sure that, if your Lordships could have supposed that under those vague words, obedience and sovereignty, there was reserved a power of fining, your Lordships would be convinced by the use of those words that they knew no such power existed in them, that they reserved it as a particular case, to the exclusion of all others, and thereby recognised the right Cheyt Sing had to the exemption from fines upon all other occasions.

How has this argument been used on the other side? It has been said (in what perhaps will be brought in evidence before your Lordships) that there were various rights of fining. They are defended by various means, which perhaps I shall have some other opportunity of stating to your Lordships. They are defended, however, among others, by this:—says this perverse reasoner,—

"The Company showed their right of fining, because they reserved it in a particular instance upon a particular contingency. What they re-

served upon a particular contingency they must have had a right to do in every contingency whatever." 22 FEB. 1788.

And therefore he argues, that, as they agreed to keep the right of fining in this instance, it perfectly proves they kept it in every case whatever. It has been a common maxim with us, that an exception proves a rule—*exceptio probat regulam.* But the exception proves the rule to be the other way. But this is a new reserved sense of that; it proves that the rule is the same in all instances: as, where that exception is mentioned, your Lordships are to observe upon what a general footing this argument puts all agreements whatever. For it says that, if they could agree to do it, much more could I do it without agreement. Which seems to imply a reasoning that, I allow, has pervaded the conduct of Mr. Hastings, but which I believe was never yet considered as an argument by any man's understanding but his. "If they could do that which they reserved a power to do by treaty, much more can I do it by my power without treaty: as, if a treaty was a bar to an action, if they could do it consonant to a treaty, much more can I do it in direct contradiction and in defiance of a treaty." He considers it rather as an inducement and rather as an argument in his favour to say that—"if other persons could do it, having expressly reserved a power to do it, much more can I do it in direct contradiction and defiance to it."

Relation of Cheyt Sing to the Company.

My idea, therefore, of the relation in which Cheyt Sing stood to the Company is clearly that of a great vassal with respect to his sovereign; that he stood as independent as a vassal can be—that he owed allegiance to his sovereign I conceive to be true, but that he stood independent in this light; that he was to have a free and uncontrolled authority in his own province; and that that free and uncontrolled authority was accompanied with every ensign of royalty, such as the administration of criminal justice and the mint; and that there was a particular agreement that that authority should remain free and uncontrolled, as long as he paid an express stipulated sum, namely, twenty-two lacs of rupees, and something more, *per annum.*

Mr. Hastings' plea that Cheyt Sing's independence was lost by his paying his tribute at Benares.

I have stated to your Lordships truly that, in almost every proposition that Mr. Hastings made with respect to the arrangement with Cheyt Sing, he was seconded and supported by a majority in the Council, and that everything that he proposed was adopted. I am aware that that is not true with respect to every proposition. There is one of

22 FEB. 1788. mighty importance; and your Lordships will hear more of it. You will see, and tremble to think upon, what threads the lives, the liberties and the happiness, of the people of that country depend, according to the opinion of this miserable sophist as well as intolerable tyrant. He will state—"The Council did not adopt all I proposed." He will state many instances; none of which he can prove, except one, and that he does not prove fully. He says, "I would have received the tribute at Patna: they said it should be received at Benares." And hear and tremble upon this, when the question comes upon the liberty, upon the authority and upon the situation, of a great and important prince in that country—"If," says he, "according to my proposition, his tribute had been received at Patna, Cheyt Sing would have been an independent prince of uncontrolled authority, and I must have left him in the situation in which I found him. But, the Company having sent to receive his tribute at Benares instead of Patna, he is changed—from what?—from a sovereign into a subject; from a vassal into a mean and depraved zamindar; from a mean and depraved zamindar to one over whom I have a complete right, an unlimited power and jurisdiction; and his power and his rights are nothing at all."

When your Lordships consider upon what a thread that depends; when you consider that, in every other instance, every proposal that he stated is adopted, and that the instance whether the tribute was received at Patna or whether it was received at Benares made such a difference in the situation, in the life and in the fortune, of that unfortunate man, you will be brought to doubt whether the tyranny of this man, whether his insolence, his rapacity or his cruelty, is more to be dreaded than the miserable sophistry he has used as an excuse for his conduct is to be despised, condemned and execrated.

Sum of the agreement with Cheyt Sing.

This agreement was made in the way in which I have stated to your Lordships; and, though your Lordships will see many proposals upon the subject, you will find the sum of them all to be this—that, while the Raja shall continue faithful to his engagements, punctual in his payments, and shall pay due obedience to the authority of the Company, no more demands shall be made upon him by the honourable Company of any kind nor upon any pretence whatever, nor shall any person be allowed to disturb the peace of this country. Your Lordships have heard of the construction which some persons have put upon the word obedience. What an agree-

ment this was, if the construction be true that I have put upon it! Your Lordships must consider it as completely binding; and the only conditions necessary for the performance were the payment of the tribute, and general fidelity and obedience to the government—not consisting in compliance with particular demands, but consisting in a general behaviour favourable to the government under which he held. 22 FEB. 1788.

The advantages of Cheyt Sing's assistance in time of war foreseen by the Council.

However, there was another transaction at this time which perhaps it may be necessary to state in this place; I mean this, that it was foreseen that Cheyt Sing might not only be an useful member of the government by the tribute he was to pay, and by the barrier his country made between the dominions of Suja-ud-Dowla and the Company; but it was thought that he might be useful in case of a war. Fortunate for the cause I maintain, fortunate for Cheyt Sing, that that idea was entertained; because, happily for the cause I have to support, it will prove to your Lordships' conviction, beyond a doubt, the complete illegality of all the subsequent demands made upon him. For it was the opinion of the Council, at the very period when they made these engagements with Cheyt Sing, that further assistance from Cheyt Sing to the Company in a military view was an object desirable and in their opinion reasonable.

Let me state for your Lordships' consideration what could be possibly the views of the Governor and Council at that period; what could be their opinion of the relative situation of Cheyt Sing to them. It was their opinion that it would be very useful if Cheyt Sing were to maintain a considerable body of cavalry in time of peace in his country, in order that the Company might avail itself of their assistance in time of war and necessity. That was the unanimous opinion of all the five gentlemen who composed the Governor and Council.

I beg your Lordships to put yourselves in their circumstances, and consider how it was natural for them to act upon that opinion, which was their unanimous opinion, in the different views which I shall state to your Lordships. If their opinion was that, by the cession of Benares by the Wazir to the Company, all the former agreements between the Wazir and the Raja were at an end, and that the Company were competent and at liberty to make a new stipulation and a new agreement with the Raja, their way of proceeding was clear; for they had nothing to do but, in the same instrument which confirmed to him the possession of

22 Feb. 1788. his province—in the same instrument by which was stipulated that twenty-two lacs of rupees was to be the annual tribute he was to pay—in the same instrument they might have said, "Provided you pay those twenty-two lacs of rupees, and"—not in general words "pay due obedience," but "provided you keep such a number of cavalry as we think fit to be lent to the Company upon any occasion they may require."

No clause to that effect introduced into the agreement.

Why did they not insert that in their agreement? Plainly and evidently, because it was their opinion that they had no right to insert in the agreement any additional conditions and stipulations, on their part, beyond those which Cheyt Sing was bound to with respect to the Wazir who had preceded them in the sovereignty. They conceived themselves bound by the antecedent treaty with the Wazir; they therefore clearly thought, in the first instance, that they were bound with respect to Cheyt Sing by the antecedent treaties between the Wazir and that prince.

If they had thought, as Mr. Hastings has since affected to think, that, under the word *sovereignty*, that, under the word *obedience*, they retained a complete arbitrary power over Cheyt Sing, how would they have acted upon such an occasion? They would have exercised that arbitrary power in a point in which it was as reasonable to exercise arbitrary power as any other. They would have sent to Cheyt Sing and said—"We interfere not with your government so long as you pay tribute and render due obedience, but we retain the sovereignty. But to show you what we mean by obedience, to show you what we mean by the sovereignty we retain, we make not a request but a demand, and we order you, as the first proof of your obedience, we order you, as the first act of our sovereignty, to maintain two thousand cavalry, of which the Company will avail themselves in time of distress in the manner they see fit." Is this what they do? No! They are all agreed (and that is material for your Lordships to keep in mind) upon the propriety of the measure —that it was a desirable thing that two thousand cavalry should be kept up: how do they act upon that opinion?

The Council content with recommending him to keep up a force of cavalry.

They sent to Cheyt Sing, and told him their opinion upon that subject. They recommended him to keep up that cavalry; but so anxious and so conscious were they of their relative situation to Cheyt Sing, so convinced were they of Cheyt Sing's relative situation to the Company, that he was uncontrolled in the exercise of his authority, and that as long

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as he paid his tribute and yielded obedience they could not interfere in the sovereignty of his country; that, in the very message by which they recommend to Cheyt Sing to keep up this cavalry, they take care to state, that it is only a recommendation and advice, that it is no command or injunction, and that he may act upon it as to him seems meet. Nay, they do more, happily for this cause—for it seems as if providentially everything done in that agreement was done to show the perversity, absurdity and oppression, of the prisoner with respect to the power he afterwards exercised. Hear these sovereigns speaking to their subjects! Hear these sovereigns of arbitrary power, whose power is everything and the rights of whose vassals is nothing—hear the way in which they speak! "Keep up some cavalry; we advise and recommend it; it will be a salutary measure both for your own safety and ours: but we tell you it is only a recommendation. If we are sovereigns in that respect, we have a right to take them and avail ourselves of them: no!" say they, "we will take them, paying so much for every man, and in proportion for every officer." You might as well say the King of Great Britain is the sovereign of Hesse-Cassel: you might as well say the King of Great Britain is the sovereign of the Duchy of Brunswick: you might as well say the King of Great Britain, in that sense, is the sovereign of every prince with whom he has negotiated subsidiary treaties. They say—"We hope you will keep up so many cavalry; we advise and recommend it; it will be a salutary measure both for your safety and ours; but we will avail ourselves of it upon certain conditions, for instance, for so much per man and so much per officer." Is this the language of an arbitrary sovereign? It is rather the language of one independent state to another; though that is not the relation I contend for between the India Company and Cheyt Sing.

Claim of absolute power disproved by this recommendation

Need I trouble your Lordships with one word more upon this subject, when I have stated every expression the English language can afford to state Cheyt Sing to be independent and uncontrolled? The words *independent* and *uncontrolled* are frequently used; nay, such is the monstrous nature of the man at your Lordships' bar, that, when speaking to defend himself with respect to Cheyt Sing, he speaks of having given him an independent and uncontrolled authority. But, lest language may be considered as general, lest language may be considered as vague, there are innumerable expressions such as those I have stated; there are many and many explana-

Insistance upon Cheyt Sing's independent authority.

22 Feb. 1788. tions of what is meant by independent and uncontrolled; all of which tend to fortify the idea I mean to apply to those words, namely, independent so long as he adhered to his agreement, which was to pay so many lacs of rupees—and he was, in general words, to be a faithful subject.

I should be very much ashamed, my Lords, considering the length of time I am obliged to trouble your Lordships upon this subject, if I were to be guilty of anything like repetition; but I hope your Lordships will not consider it as such if I only briefly, in very few words, recapitulate to your Lordships the substance of what I have been stating for some time, because I am come to an era of this business.

Recapitulation of previous statements.

My Lords, I have stated—though I think that immaterial to the business—that Bulwant Sing was the person he is described to be in the Article; that, upon the death of Bulwant Sing, Cheyt Sing was admitted to the succession of his father by Suja-ud-Dowla upon a fixed payment. Possibly it may help your Lordships to state dates:—That, in 1764, Bulwant Sing assisted the Company, and that his assistance was then mentioned. That, in 1765, in the peace with Suja-ud-Dowla, the authority and condition of Bulwant Sing was taken care of, and guaranteed by the Company. That, in the year 1770, upon the death of Bulwant Sing, Cheyt Sing was admitted to a situation similar to that of his father. That, in the year 1773, that was, as I state, confirmed; as Mr. Hastings stated, confirmed with additional benefits to Cheyt Sing: but, in either case, it was at least confirmed. That, in the year 1775, there was an intimation of Asoff-ud-Dowla's intention to take five lacs of rupees in advance from Cheyt Sing; that the Company properly—and Mr. Hastings, their officer, acted as one of the Company—objected to that, as considering themselves the guarantees of Cheyt Sing, and insisting that, by the spirit and by the letter of the treaty, he had no right to exact anything beyond the twenty-two lacs of rupees. That, afterwards, in the same year 1775, the province of Benares was assigned to the East India Company; and that it was the duty of the Company to consider Cheyt Sing as standing in the precise relation to them that he stood in to his former sovereign. That, in June, 1775, that was expressed which I have stated, upon payment of a limited sum and the reservation of sovereignty to the Company. And that, in July, 1775, there was the recommendation of the cavalry, under all the circumstances with which I have stated that recommendation.

I must entreat your Lordships to keep these circumstances in your minds when you attend to that evidence which shall be brought; and that, if in any of those circumstances there shall be a failure in proof, undoubtedly your Lordships will hereafter lay them out of your mind, inasmuch as that proof has failed. I now, my Lords, come to the first distinct crime which I lay to the charge of Mr. Hastings. 22 FEB. 1788.

Anticipation of arguments of counsel for the defence necessitated by mode of proceeding adopted by the court.

I have stated and explained, as well as I have been able, the relation in which Cheyt Sing stood to the Company. I have been obliged to do it in a manner in which I should not have wished to have done it, if it had so happened that your Lordships' opinion had coincided with mine upon the manner of proceeding; as I certainly should not have done if it had been your Lordships' opinion—as I hoped, trusted and was confident, it would be—that the prisoner should have gone upon his defence as soon as we had finished the individual charge against him. I would not have anticipated any part of that defence; and I would not have gone into a refutation of all those strange, absurd, contradictory, futile, contemptible and disgraceful, arguments which I have stated to your Lordships. I would have left them to have come, if they would have come, from the mouths of the Counsel on the opposite side; and would undoubtedly, in reply to them afterwards, if they had stated them, have treated them as I should think such arguments would deserve. But, as your Lordships have instituted a mode of proceeding which seems to put a considerable distance of time between the opening of this charge and the answer to it, and perhaps a more considerable distance between the opportunity I shall have of replying to that answer, I did not think of any way in which I could explain it to your Lordships better than by stating all the arguments that occurred to me, and stating answers to them. At the same time that I saw the fallacy of this proceeding, I should not have adopted it if I did not mean to give in evidence various writings and documents, in which are contained all those arguments which I mean to repel and to confute; because your Lordships must know that, upon this occasion, there have been various accounts by the defendant himself.

Mr. Hastings' narrative of the transaction of Benares.

—He published a narrative, printed at Calcutta, upon the subject of the business of Benares.* That narrative we

* "A Narrative of the Insurrection which happened in the Zemindary of Benares in the Month of August, 1781, and of the Transactions of the

22 FEB. 1788. shall give in evidence to your Lordships. That narrative states itself to be—though not literally taken before a magistrate—to be a narrative upon oath. There is the most solemn attestation to the truth of the facts contained in it; and it is stated by the writer and the signer of it—Warren Hastings—to be written and attested under as great an obligation as any paper could be written under oath.*

His defence at the bar of the House of Commons.

There is another paper; I mean that which was given as the defence of Mr. Hastings at the bar of the House of Commons—a paper which has been, whether ignorantly or maliciously I know not, but certainly untruly called the defence which that person was called upon to make at the bar of the House of Commons.† It was no such thing. Upon the proceedings against Mr. Hastings—not in consequence of an eloquent speech, but in consequence of evidence resulting from inquiry, and the conviction of the House of Commons upon evidence and accusation, it was thought fit to go to a certain length in that inquiry. Mr. Hastings, of his own motion, at his own desire, appeared before the House of Commons and made his defence. At his own desire, that defence was taken down in writing and delivered at the table of the House of Commons. Therefore, my Lords, when I mean hereafter to bring that in evidence before you, I beg to take this early opportunity of stating that it was not a defence called for, but a voluntary defence offered by the prisoner at the bar, [and] which he meant to impose upon the House of Commons and the public as an account of his actions—whether a false one or a true one will hereafter be examined. But I have a right to state all that is in that defence in the way in which I have stated it, and in the way in which I shall perhaps make a further use of it. Therefore, if I have taken that which I admit to be not in general the most regular mode of argument in proceedings of this kind, I have stated as arguments [what] we shall bring in evidence before your Lordships, and the repelling and refuting of which is a good way, perhaps, of explaining and illustrating what my sentiments are, and which I trust will be your Lordships' upon them—especially as the mode of proceeding adopted by your Lordships seems to put at so

Governor General in that District; with an Appendix of Authentic Papers and Affidavits. Calcutta. Printed by order of the Governor General, 1782;" in 4to.

* See pages 1 to 5 of the "Narrative."

† See a preceding note, page 75.

great a distance the arguments from the mouth from which we shall expect to hear them from the opening; which I can't help here regretting upon this account. 22 FEB. 1788.

I should feel more pleasantly and more happily if I stood here stating what I state with an hope that it might be answered; with an hope that it might be treated in the way in which it deserves to be treated, within a few days after the time at which I state it and prove it here; that if I state anything fallacious it may be done away *instanter*, if possible, and erased from the breasts of your Lordships. That hope is gone from me: therefore I state what I do state with more apprehension. Still the time will come; because we are not persons to be discouraged, by any difficulty or seeming difficulty in the mode of proceeding, from doing justice to our country. Let the statement I have made be examined; let it be criticised. Let another statement be made, if it can be made, different from that which I have made: I shall be glad to subscribe to it. But they cannot make any statement which will justify the subsequent proceedings. I have now, therefore, finished the period of agreement with Cheyt Sing.

Interval between the agreement and the breach of it.

If your Lordships were as well acquainted with the public character of Mr. Hastings as I am—I mean, if it had fallen to your Lordships' province to read such volumes of the history of his political life as it has been my duty to do—I am sure your Lordships would for a moment express some surprise at what I am about to state. I, who know the fact, should be greatly surprised if I could not immediately account for it. Here is a treaty, made in the year 1775 and not broke till the year 1778—a singular instance in the history of Mr. Hastings: and I would almost venture to say, if in any other instance of his life you can show me his subscription to any instrument, and that three years passed before he broke it, that it was a term of prescription and indemnity, and allow him to escape your Lordships' justice upon that ground.

It is a degree of dilatoriness—it is a degree of delay—it is a degree of mercy in him—that I should not account for upon anything I know of his character; if there were not some good reasons to account for it which I shall relate to your Lordships. It so happened that this treaty, though Mr. Hastings advised it—though Mr. Hastings recommended it — though Mr. Hastings was a party to it — was not, strictly speaking, Mr. Hastings' treaty; and he had not the same affection for the treaties of others as he had for his

22 Feb. 1788. own. He would let them lay by unobserved and unbroken; for to be observed and broken were with him the same thing. He would treat the works of other men with a degree of indifference with which he would not treat his own.

There was also another circumstance in this treaty; that for a considerable time after the making this treaty he had no power of breaking it; that the majority of the Council were against him, and, though in effect this treaty was made by his own suggestion with their approbation, yet they differed with him so much in other points that he, who could persuade them to signing this treaty, could certainly not prevail with them for the breach of it. That accounts for this treaty remaining so long unbroken—so different from any other treaty to which Mr. Hastings was a party. I am willing to admit further—and I cannot account for it—that, even after Mr. Hastings arrived at a greater state of power, that, even then, between one and two years elapsed before he broke this treaty. How he came to wait for an opportunity to break it, contrary to his usual custom, I cannot account. But, even in the life of such a man as Mr. Hastings, one can no more be expected to account for this delay than if, in the life of a virtuous man and a good citizen, it appeared that for some months in his life he had delayed and deferred what he thought a general and indispensable duty.

Mr. Hastings' requisition on Cheyt Sing for five lacs of rupees, on news of a war with France.

However, in the year 1778, Mr. Hastings, who had undoubtedly looked eagerly for an opportunity upon this subject, took one which he seemed to think a fit one. I shall observe in some degree upon that opportunity. He says that, upon the news of a war with France, he sent a requisition for five lacs of rupees to Cheyt Sing. Upon that period I beg to make this observation—that the plea in general for demands upon Cheyt Sing is not the probable necessity of the Company but the actual necessity of the Company. If probable necessity were a plea for this outrageous demand, why did not Suja-ud-Dowla make that demand in 1773? Why did not Mr. Hastings countenance him in such a demand? Was Mr. Hastings ignorant in the year 1773? Was he not on the contrary too knowing? And, to use the lawyers' phrase, was he not conscious, in the literal sense of the word, that Suja-ud-Dowla was upon the point of making war with the Rohillas? When Suja-ud-Dowla was about to make war with the Rohillas,

Such a demand not sanctioned in favour of Suja-ud-Dowla.

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did Mr. Hastings suggest to Suja-ud-Dowla or permit him to make this suggestion to him—"I made this agreement, it is true, with Cheyt Sing of twenty-two lacs of rupees for his stipulated payment; but, in times of war, in times of exigency and in times of danger, I have a right to exact more. That time now exists; for I am about to make war for the extirpation of a whole people"? That undoubtedly could not be considered as a trifling and inconsiderable war. He did not state it. Therefore, I state that Mr. Hastings certainly knew this, that if there were—which I deny and shall prove—that if there were a possibility of grounding upon the argument of necessity—the tyrant's old plea—a cause for breaking the engagement with Cheyt Sing, it must, if any ground upon that subject, be actual danger and difficulty, and not a probable foresight of contingent danger and difficulty.

Not justified by necessity.

Now what was his ground upon which he made this demand of five lacs? He had heard of a war with France—undoubtedly a report very much to be attended to by a person in his situation. But, on the other hand, was the Company in distress?—Was their treasury low?—Were they in want of money?—We will produce to your Lordships a statement of Mr. Hastings upon that subject, which, whether true or false, makes the revenues of the Company to be in the most flourishing situation; which makes their treasury to be abundant to almost an incredible degree:—it makes them to be in the actual possession of a surplus, as he states it, of two krors of rupees—that is to say, two millions sterling of money.

Smallness of the demand.

Now it would be hard I think, and I shall not urge it in that view, to state the smallness of the demand upon this subject as any way making against Mr. Hastings; but can I believe that Mr. Hastings—can your Lordships believe or will you admit it for a moment, that, when he makes a demand of 50,000*l.*, and no more than 50,000*l.*—I do not mean to say that if he had made it more he would not be much more guilty—but, as I state to your Lordships, can it be believed that Mr. Hastings should make a demand of 50,000*l.* upon Cheyt Sing, not upon the general principle that he had a right to demand it annually, not that it should be an increase of tribute, but upon the exigencies of the Company, at a time when the treasury was so full that there was a surplus of two millions sterling of money?

I have no doubt but your Lordships—I mean such of you

22 Feb. 1788. as have not looked deeply into this subject—are ready with an answer upon that. You may say—"Fifty thousand pounds was as much as this man could bear to pay; but you are to consider it as part of a general tax to be laid upon the empire for the general exigencies of a war: that then undoubtedly 50,000*l.* might be a very considerable object, as a precedent and a criterion by which the payment of other persons in similar circumstances ought to be regulated." I admit that argument and admit it in the full force of it. But your Lordships will be by-and-bye astonished to hear, when you have taken that argument in your breasts and given it all the influence there it has a right to possess, when you find this very Mr. Hastings declared, when put to him—if a tax, why not a general tax upon others in similar circumstances?—he declares in his Defence—that is now actually a matter of record before your Lordships—he declares in his Defence at your Lordships' bar, that there were no others in similar circumstances whatever, and therefore no others to whom such a tax was applicable. Therefore I beg leave here to state the smallness of the sum in this view.

Not part of a general tax on the empire.

When your Lordships consider the action, you must consider it in a variety of lights; you must first consider it in the strict light of justice. If your Lordships be of opinion—which I am sure you will not—that this is a question to be considered, not merely in the strict light of justice, but in something of a political equity upon the subject, then it would be material to state the smallness of the consideration for which a treaty, in a great many views, was actually broken, and for which, finally and ultimately, in its consequences, one of the princes of India was expelled from his territories.

It was not with a view to a general tax and a general supply to the treasury; for I have the authority of Mr. Hastings to say there was no other person in Cheyt Sing's circumstances, and no other to whom that general tax would be applicable. At a time too when the treasury was in the possession of two krors—that is, two millions sterling—for the sake of 50,000*l.* more was this treaty disregarded, was this treaty violated, and the British name and reputation in the subsequent consequences dishonoured and lost in India.

No deficiency in the treasury.

Whether that statement made of the Company's finances by Mr. Hastings were just or not, is not now for me to investigate: nor do I know that I have the means here before your Lordships of investigating it: but I have a right

to state, not what was the state of the finances in India—which for this purpose is no object of my consideration—but I have to state to your Lordships' consideration what was Mr. Hastings' opinion of the state of the finances at that time; for by his opinion of them was his conduct to be regulated at the time, and not by any subsequent judgment that I or any other man might form of the state of the finances at that moment. I wish your Lordships therefore to consider what was the actual state of the Company at the time he made this demand of five lacs. There was the rumour of a French war on one hand, admitted as a ground of apprehension. There was the fulness of the Indian treasury and the abundance of resources, as an argument, which I think cannot be denied, on the other hand, as a security against any immediate exigency or want. 22 Feb. 1788.

False plea by Cheyt Sing of inability to pay.

When Mr. Hastings made this demand of five lacs, it was made in a manner that seemed to leave it doubtful whether it was asked as a favour of Cheyt Sing or as a matter of right. Cheyt Sing made, according to the custom of the princes of that country, some objections to the payment; not so much—though in some instances it will be proved that he did—in the nature of right, as pleading poverty. That it is very much the custom of the princes of that country, to conceal the degree of wealth which belongs to them; that they are very apt to underrate their resources, and to state them to be smaller than they are in fact. If that is considered as an hostile fact to the princes of that country, I, on their part, and in some degree as their advocate, am perfectly ready to admit at your Lordships' bar that that is the case, not with the princes in India only, but I believe it is generally so in the case of those great subjects, whom I denominate princes, who are the subjects of the Company. I am also ready to admit—and I leave your Lordships all the reflections you will make, to the honour of the government of that Company and the honour of the name of the government of Great Britain, on this fact—that it is a government where the practice of the subjects is to conceal and not to boast of their wealth. I wish I could admit of that fact in favour of the Indian princes, without admitting at the same time the strong fact against the British government; for there cannot be a more irrefragable mark of a tyrannical government than where the subjects, instead of being ostentatious and boasting of the value of their property, think it necessary to underrate and conceal it, in order to keep

22 FEB. 1788. it, if possible, from the grasp of power and from the hand of oppression.

Cheyt Sing did therefore plead falsely, I believe, in a great degree his incapacity of payment. He however did complete the payment by the 10th of October, 1778. I wish these dates to be kept in some degree in your Lordships' minds; because, in the way in which I shall state the argument, they are in my conception of some importance. Cheyt Sing hoped that, as this demand was on a peculiar exigency, it would be the demand of one year only. However, Mr. Hastings considered it as a demand during the war: therefore he renewed it upon the next year. He made the same demand the next year;—the same difficulties were stated; and the last payment, I think, was not made until the 21st of October.

Payment made by him.

Demand renewed by Mr. Hastings the following year.

There is a circumstance in this year which it is necessary to mention,—that there was so much doubt of Cheyt Sing's willingness and acquiescence in the payment of this money, that there were some troops ordered to be ready to compel him, and he was charged some small sum—about two thousand pounds sterling—for the expense of those troops.

Demand repeated in 1780.

In the year 1780, this demand was repeated upon the same pretences: the same excuses, or, as they are called, shuffling evasions, were made by Cheyt Sing; and the whole was paid on the 20th of October, 1780; that is, within one day of the same period as it had been paid upon the preceding year; one day sooner than it had been paid in the year 1779. Now, before I enter upon the subsequent part of this business, I wish to state to your Lordships that I mean to press to your Lordships that the demand of five lacs of rupees by Mr. Hastings upon Cheyt Sing was contrary to law; that it was illegal; that it was contrary to agreement; that it was contrary to treaty; and, considering the power of the person who demanded it, that it was tyrannical and oppressive.

The demand illegal.

My Lords, I think it fair to state that in some degree this might be considered as the act of the Council, as well as the act of Mr. Hastings. And here I beg leave to state a general principle—that, in an executive council, every man is answerable for his acts; and that, if Mr. Hastings or any man proposes to such executive council an illegal, tyrannical or oppressive, act, the adoption of that act by the council takes no responsibility whatever from him. Otherwise, your Lordships would know that the wisdom of this legislature never would have provided that India, or any government,

should be governed by an executive council; for, the moment an executive power is delegated to anyone, that executive power must be absolute tyranny, unless there be a responsibility in those who execute it. And if you take away that responsibility from a person, by stating it to be the act of the council, you take away the responsibility of the whole. Therefore I hold it as a proposition which cannot be disputed, that a person for his acts, in an executive council, is responsible in exactly the same manner as if he had the whole powers in himself and executed them upon his own opinion. I shall not therefore trouble your Lordships with my opinion upon this subject; because I anticipated it in what I have stated to your Lordships to be my conceptions of the nature of the agreement between the East India Company and Cheyt Sing. 22 FEB. 1788.

If it be true that Suja-ud-Dowla, as I have stated, was bound by an agreement to exact no more from Cheyt Sing than twenty-two lacs of rupees—if it be true that Asoff-ud-Dowla was bound by the same condition—if it be true that Mr. Hastings knew and recognised the validity of that agreement and the force of that condition, by preventing Asoff-ud-Dowla from taking five lacs in advance from Cheyt Sing, in the year 1775—if it be true that the Governor General and Council did nothing but receive the province of Benares upon the same condition on which it was held of Asoff-ud-Dowla—if it be true that they increased his independence, rather than diminished it, by the grant of the criminal jurisdiction and of the mint—if it be true that they bound themselves not to make any further exactions of any kind, or upon any pretence to interfere in the government of that country—if it be true that they recognised that right in Cheyt Sing, in so clear a manner that when they meant to reserve a right to punish him for coining false money they reserved that right expressly—if it be true that this providing two thousand cavalry was a point they did not venture to enjoin; was a point they did not venture to command, but simply recommended, and took care that what they pointed [presented?] as a recommendation should be understood as nothing but a recommendation—if it should be further true that, in the mode of that recommendation, they proved their opinion that they had no right to the requisition, by stating that, whenever they should want to borrow, then they would pay for them according to stipulated terms agreed upon—if all these be true, nay if any one of these things be true though all the rest be

22 FEB. 1788. false, it is perfectly clear that that agreement bound Mr. Hastings and the India Company, and bound Mr. Hastings more particularly than any other man, to take but twenty-two lacs from Cheyt Sing; that he should exact no other payment of any kind, nor interfere with the government of his country upon any pretence whatever, so long as he paid that tribute and yielded obedience to the Company.

Defence that Mr. Francis did not object to the demand.

Upon this occasion, there are two sorts of defence endeavoured to be set up. One is a defence which I hardly know how far it is fit to mention to the gravity of this assembly—though it has been much relied upon—because it is merely levelled against one individual, who is not among the committee of Managers:—much do I lament that he is not, both for the sake of public example and for the advantage of this prosecution. But that argument is levelled only at him, *ad hominem*, and has nothing to do with the decision of your Lordships upon this subject. It has been said that in that Council, though General Clavering was no more, though Colonel Monson was no more, there still existed a representative of their opinions and a representative of their character. That they could not have given a better, because they could not have given a more honourable, description of the character of Mr. Francis I am ready to admit, but they state that he was implicated in this demand with Mr. Hastings, because he was present and did not object to it. We shall bring to your Lordships evidence upon that subject—I mean the minutes of those different Councils—by which it will plainly appear, out of the Governor General's own mouth, that Mr. Francis had stated his doubts, if not his opinion, against the legality of that measure; but, trusting to the executive government of the country, thinking that it was a very different thing to ask merely as a request and without any force or pretence of right that which possibly he might know might be cheerfully given, there might be an acquiescence to that subject which implied no opinion upon the right whatever. But it will appear, upon the evidence and from Mr. Hastings' own minute, that Mr. Francis had specially stated his opinion against the right, and that it was his opinion upon the right that guided Mr. Hastings' actions afterwards. Your Lordships will perceive that it is one thing to assert a right in defiance of an agreement, and that it is another thing to request from a subject, an ally or any person whom you will, anything that is in his power to grant or withhold, if done without any claim whatever to authority or power.

Upon the subject of this species of defence let me say one word, though it may be out of this question. Your Lordships see what a just tribute even guilt pays to innocence—see what a just tribute even those who have acted contrary to law and contrary to right principles pay to the character of those who have obeyed their superiors and acted upon the principles of justice and of right. For it is brought here in defence of Mr. Hastings, not that this was right—not that this was equitable—not that this was just—not that it had the approbation of this, that or the other—but that it had the approbation of Mr. Francis; because he considered Mr. Francis as the representative of that government in India, under General Clavering and under Colonel Monson, which I have heard said in my life that it would have been fortunate for that country if it had never existed, and that those persons could have been spared out of the world. If the same misfortune that had lost Mr. Vansittart had lost General Clavering, Colonel Monson and Mr. Francis, the country would have been one uninterrupted scene of rapine and oppression. We should have lost that short but glorious interval in which the government of the East India Company in India was just, upright and respectable. And, though two of those honourable persons exist no more, that government lives, to the honour of this country, in the memory of the people of it. It lives in the memory of the people of Great Britain; and has been the means, by the good regulations introduced, and in some instances by the good principles they had laid down, of enlightening Great Britain upon the subject of India more than all the documents and records of the Company could enlighten them. If, at this moment, principles of policy and justice are applied to the government of that country, which people knew not how formerly to apply to them, it is owing to those three gentlemen, who made it the business and duty of their lives to conform in every instance to the orders of their superiors, and to act in every instance upon the principles upon which they were sent to command in that country. It is therefore glorious to them to hear that principle of defence set up here—but to your Lordships it is nothing.

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Effect of the plea in recognising the integrity of Mr. Francis.

Merits of the party in the council opposing Mr. Hastings.

If it should be proved that Mr. Francis, having successfully combated for years while these two men lived, but afterwards unsuccessfully, made less opposition to this measure than perhaps might be expected from him, I believe those who reason right will indulge that to human frailty.

Justification of Mr. Francis in not opposing the measure.

22 FEB. 1788. But those who are not willing to do that will think, at least' that it is no justification of the Governor General, but, on the contrary, an aggravation to the last degree, that he hath not only done what we state him to have done with respect to Cheyt Sing, but that he brought the government of India into such a situation that an honest man hardly dare to state what he thought the rights of Cheyt Sing, but, upon his stating them, he should bring the vengeance of the Governor General upon the unhappy prince he thought to defend. I am perfectly convinced that your Lordships will regard all arguments *ad hominem* to be upon this occasion of no effect whatever.

The Company's acquiescence in the measure.

There is another argument upon the subject which has more the appearance of solidity, and upon which I shall venture some words to your Lordships. Mr. Hastings has stated that he communicated this intention of levying five lacs to the India Company at home, and by their silence he conceived them to be acquiescing in the legality and in the propriety of the demand. I have had occasion formerly to state, in other assemblies, though not in this, my opinion of the conduct of the East India Company with respect to the direction of their servants. I am afraid that one general principle has pervaded the whole of it—that, however, abstractedly, they have recommended justice, equity and moderation, they have in no instance reprobated the contrary, when the contrary has been productive or apparently productive of pecuniary resources to the Company. That that has been the character of that unfortunate Company—that that has been the character of the court of Directors—I am ready to declare, not from my own opinion but from the authoritative opinions in my judgment of Parliament itself. It was upon the ground of their inattention to those principles that the Commons passed a bill, which I had the honour to bring to your Lordships' bar, to suspend for a time the powers of the East India Company upon any such subjects whatever. That bill was rejected by your Lordships. But I will say that the same principles upon which I brought that bill, however it may differ in other respects and points—which it is not my business here now to dispute—dictated to a subsequent House of Commons to bring another bill to the bar of your Lordships, which you have adopted, and it is become the law of this country; which has gone, not to suspend the power of the Directors or the charters of the Company upon this subject, but for ever totally to annihilate and extinguish it: because

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you have—and, as far as that goes, wisely I think—put out of their power to make regulations of that sort upon which Mr. Hastings justifies himself. You have put them to another tribunal, who I trust—composed however they may be composed—would never have suffered such a representation, such a suggestion and such a demand, as this to have been made, without a reprehension upon such a demand.

Danger of allowing a Governor of India to be justified by the sanction of the Company.

If your Lordships admit this species of defence, consider the principle that you will lay down. Consider how prolific it will be, if your Lordships lay it down as a principle that, when a Governor in India has done anything, that he has stated his having done it to the Company and the Company do not reprehend him for it, it is justifiable. Consider how, by a collusion between the Governor and the Company, every species and denomination of oppression, every kind and sort of cruelty, and every degree of exaction and extortion, everything that disgraces the British name and character, may be perpetrated in that country; and then, so far from punishing them, that you cannot hear the accusation—that there is a kind of bar pleaded in your House against taking into your consideration the subject.

Who were the India Company at this time? Were they part of the government of this country? No; they were a separate and distinct body of men, having rights independent of the sovereignty of this country; in some instances at least they were so considered. Then, if you admit their sanction to be a justification, name to me the species of outrage—name to me the species of extortion—name to me the species of tyranny—name to me the species of cruelty—name to me the species of disgrace to the British name—that has been committed in India, which you will be allowed to inquire into, if it is competent for the prisoner at the bar to tell you upon that subject, "I informed the Company of what I did upon that subject; they approved of it; you must inquire no further into it." By considering that argument for a moment and declaring it worthy your attention, you pass a general act of indemnity for every species of crime that can be committed in that country. Could such an argument be pleaded anywhere? I trust not. Much less can it be pleaded here.

It is the glory of the Commons; it is one of their principal, undoubted and acknowledged, privileges; that no pardon from the Crown could be pleaded in bar of an impeachment here. Well, if that cannot be pleaded in bar, shall a constructive pardon of the East India Company (for what is

22 FEB. 1788. it else?) be pleaded at the bar of your Lordships' House? If the Sovereign cannot exercise his noblest prerogative, that of pardon and mercy, if that be barred, shall the connivance, the tacit implied pardon, of the India Company be pleaded at the bar of your House to stop your inquiry into what the Commons of Great Britain state to your Lordships to be illegal and tyrannical?

I trust therefore that these two arguments—the one of which is a personal recrimination and personal application *ad hominem*, rather than any solid argument; the other one which tends to justify every, the worst, excess committed in India—I say, if these are the descriptions of these acts, I am sure your Lordships will pay no attention to them.

Exaction from Cheyt Sing of five lacs illegal and tyrannical.

I therefore charge the exaction from Cheyt Sing of five lacs of rupees, if an exaction and not a mere request—I charge it to be illegal; I charge it to be unjustifiable; and, considering the evident power of the person who made it, I charge it to be tyrannical and oppressive.

Apology for length of argument.

Reference to opposite opinions held by Mr. Pitt.

My Lords, I am sensible that upon this part of the subject, which appears to me to be so clear and self-evident, I have taken more of the time of your Lordships than the subject in itself deserved. I have done so the more because I know that it is a subject upon which doubts have been raised by the greatest and most respectable abilities in this country, and that those have been employed in various times in stating difficulties upon this subject, and doubts upon the absolute point of law.* My respect for the greatness of those abilities—which I should be sorry not to have had this opportunity to acknowledge—my respect for the authority and situation of the person who so urged them, has made it appear necessary for me to go more at large in dilating and proving this point, which is a great point in this cause, than possibly I should otherwise have done. When I say I have spent too much time upon this subject, I mean it in these two lights, which I will explain to your Lordships. First, because, as I say, I think it so clear a proposition that it requires little argument and little reasoning to enforce. There is also another reason, which I suspect will much

* In this and the following passages, Fox refers to Mr. Pitt's speech on the charge relative to the Raja of Benares, delivered in the House of Commons on the 13th of June, 1776, and in which, after asserting the legality of the fine exacted from Cheyt Sing, he supported the motion for the charge on the ground of Mr. Hastings' conduct in the transaction having been "cruel, unjust and oppressive."

surprise those of your Lordships who know only by rumour the general state of this question. 22 Feb. 1788.

I have no doubt, if your Lordships have not examined the particulars of this business, but only the general fate of that unfortunate prince for whom I stand at the bar, if you have only a general popular knowledge of this subject, you will naturally suppose that this exaction was resisted—that Cheyt Sing refused to pay this sum—and that, in consequence of such refusal, compulsion was adopted; and, in consequence of that compulsion, Cheyt Sing was expelled his territory; upon which followed the rebellion and all the consequences I shall by-and-by have the honour to relate to your Lordships. But how surprised will a great part of this auditory be, who have only a general and popular knowledge of this subject, when I come to call to your Lordships' notice what I have just stated—that this exaction, unreasonable as it was, contrary to treaty, illegal, tyrannical, oppressive and faithless, was nevertheless punctually complied with; that this exaction was not the cause of anything that happened afterwards. And if your Lordships should be of opinion that this treaty should be construed in the way in which Mr. Hastings construed it, that he had a right to levy these five lacs, they will then have this triumph over me, that I have endeavoured to prove what I have been unsuccessful in demonstrating. But they will have no other; for if the exaction was just, legal and proper, it will not make one atom in defence of Mr. Hastings upon the subsequent part of his conduct; it will not make a shadow of justification, a shadow of palliation or excuse, or alter the character of the other crimes which I shall lay to his charge in the subsequent part of this business.

Compliance of Cheyt Sing with the exaction.

These requisitions were made in three following years, 1778, 1779 and 1780, and they were all paid, to the last farthing of what was exacted, and 2,000*l.* more for the troops which were said to be necessary for the compulsion. In the first year it was paid on the 10th, in the second year on the 21st, and in the last year on the 20th, of October.

The requisitions punctually paid.

One would have thought, my Lords, that this requisition was at least doubtful enough in its principle; that there was at least a shadow of right in the Raja; that there was at least what the lawyers have called a *scintilla juris* in the situation of the Raja, that might have made it reasonable that the Governor General should be contented with the payments which Cheyt Sing made, though they happened to

Object of Mr. Hastings to ruin Cheyt Sing.

22 Feb. 1788. be by some weeks or by some months later than the period at which he expected to receive them. But that, as I shall show hereafter, was not the Governor's intention. It was not his wish to have these five lacs for the exigencies of the Company; for, with its abundant treasury, five lacs was no object with him. His object was to ruin Cheyt Sing; to expel him from his territories; to punish him for a fault which I will state to your Lordships what it was; and, when you compare the offence with the punishment, you will consider with horror and look with dread at what are the powers of arbitrary government.

Offence given by Cheyt Sing to Mr. Hastings by precipitance in congratulating his presumed successor.

Cheyt Sing, in common with all the other princes connected with the India Company, knew that it was a matter of infinite importance to him to be upon terms of favour and protection with the actual government of that country, of whomever it might consist. Cheyt Sing, well or ill informed, had received intelligence, as he thought to be relied upon, from this country that Mr. Hastings had resigned the office of Governor General, and that that office was like to be executed by General Clavering. Cheyt Sing did upon that what undoubtedly your Lordships would not do; because you have all great, noble, elevated and independent, sentiments; because you live in a country where you have no necessity for the favour of power, where you are in situations and conditions not to care for any favour which power can bestow, and perfectly secure against all the mischiefs which power can inflict. I do not say your Lordships would, but let me say there is no country in Europe where the nobility would not, when they foresaw or heard of a change of government, take the earliest opportunity to show that all the kindness, affection, submission, they expressed to the preceding governors, were transferred to their successors. I know these are sentiments which in this country, used to high, independent, sentiments of freedom, shock the ears of my auditory; but these are sentiments of which if I were to speak in France, of which if I were to speak in Germany or other parts of Europe, I should be perfectly understood. But if I should be perfectly understood in other parts of Europe, much more should I be understood in India. Consider what a person in that country has at stake:—not a paltry pretence for power, or rewards or trinkets;—No! But where it has been the opinion of some governor that arbitrary power is the law of the country, that their rights are nothing and the power of the sovereign is everything, if

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in such countries any man should condescend to something like mean arts to secure the favour of a governor, so endued with power and so disposed to exert power as some governors have been, will any man impute it to meanness or improper behaviour that a great prince of that country was among the forwardest to pay his court to the new governor?—to show that his attachment was not to the person of the governor, but—what all attachments should perhaps be—to the government itself?

It so happened that Cheyt Sing, who had mistaken information of Mr. Hastings' intended resignation and the advancement of Sir John Clavering, thought no time should be lost; and he was sending his vakil with the greatest degree of hurry to pay his respects to Sir John Clavering. I believe he was undeceived before the vakil came to Calcutta; but, whether he was or was not, of such a strange mind appears to have been the gentleman now at your bar, that he considered this, which any man would consider only as a proof of the arbitrary power of the English in India—which any person would consider only as a symptom of the low, the miserable, condition of those dependent upon the English power in India, or at worst something like meanness and time-serving in the person who did it—Mr. Hastings conceived this as a mortal affront, and [as one] which I believe he has candour enough, if he were to speak at your Lordships' bar now, to tell you he has not yet forgiven.

Charge of malicious motive against Mr. Hastings.

My Lords, I have now done what I conceive to be a most dangerous thing in a prosecutor, and which I would not have ventured upon if I were not sure and confident that I can make it out by irrefragable proof—I have not only now charged the fact, but I have charged the motive, as if that were distinct from the fact.

With respect to the charge of motive, I have always understood it to be clear, indisputable and incontrovertible, that when an accuser makes out certain facts, all the malicious, all the bad and corrupt, motives which are fairly to be inferred from those facts, are to be taken as granted, and that it is the province of the prosecutor to prove them exclusively from the facts. In this instance, however, I think I can show your Lordships such a body of facts and such innumerable proofs respecting the particular motive of the prisoner in this particular business, that I could almost venture to rest my cause upon this—that I prove the malice

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Punctuality of Cheyt Sing in paying the exaction.

I should think it would be no inconsiderable argument to prove this, to state that he himself thought five lacs of rupees was all that it was reasonable to demand of him. Would it not be the natural consequence for a person who made such a demand to say—"I have demanded five lacs: he wished to delay payment, but he has paid it: I will now leave him at rest, or at most make another demand next year, if the exigencies of the Company should make it necessary so to do?" No! instead of rejoicing at what I shall state to be the Raja's punctuality, considering what might be expected, in the payment of this demand, and converting that to merit, the prisoner states that he has been dilatory, that he has been contumacious; and therefore he makes another demand upon him. He found he had made a demand as great as he could do with any pretence or colour; but yet that was not sufficient to tire out the patience of the Raja; it was not sufficient to bring him to any act of what he called disobedience.

I beg to state what I mean by punctual payment. I do not consider punctual payment to be, to pay at the very day or minute at which the superior exacts payment; but I take it to be such reasonable punctual payment as, considering the situation of the person, can be expected. Your Lordships, who have been in anyways concerned with the revenue of this country—which has always been a legal, well-regulated, revenue—know that it is far from being the case that every penny due to the Crown is paid on the day when it becomes due. With the most rigorous and exact treasury, it never has been the maxim that if, by any particular circumstances, a payment is not made to the Crown the very hour at which it is due, the person should be punished for contumacy. If he is punished it is by a pecuniary punishment, namely, the interest of the money from the time of its being due till it is paid; which is a sufficient compensation to any country for delay of payment.

Question of when the money became due.

But here a new principle is laid down. This money being never strictly due; being an illegal demand; being a demand for which there was no stipulation, no agreement; the period when it became due was difficult to state: and yet it was necessary to state that, to make the crime of delay imputable to the Raja. It was difficult to say this money was due in June, or July or August. But Mr. Hastings found

another period; it was demanded on such a day, and consequently it became due from that time. If it had been a demand upon a regular, annual, certain, stipend; if I had been accustomed to demand this; if it is a matter of right; if it is a part of your obedience to me that I am to exact five lacs of rupees from you every year, and I have every year exacted that demand upon the 1st of July—it might be said such demand was to be expected on the 1st of July; and consequently, by a perverted, strange, tyrannical, reasoning, it might be said to become due that day. But it is stated here not to be a regular demand, but [nor?] an annual demand. Therefore that which is stated to be an insulated separate demand, not of an annual payment, but of particular resource in case of particular difficulty, the Governor General states it became due—when?—the instant I demanded it; and from that hour the delay is to be stated as contumacy in the person who knew nothing of the demand till the hour it was made. 22 Feb. 1788.

I contend it became due at no fixed date, but at such times as it could be reasonably paid. However, it so happens upon this occasion that what I state to be Cheyt Sing's punctuality—what Mr. Hastings has stated to be Cheyt Sing's contumacy—has at least been a regular contumacy or a regular punctuality; for he paid on the first year the whole on the 10th of October; in the second year upon the 21st; and in the third year upon the 20th of October. So that I think your Lordships will admit that, if Mr. Hastings could bring himself to acquiesce with those insufferable delays of the Raja, he had no reason, if he could wait to the 10th of October for the first payment, to consider it an intolerable delay to wait till the 21st for the second; that if any punishment was necessary for the Raja's delay in the second, the punishment should have been the interest of five lacs, that is 50,000*l.* Eleven days' interest upon fifty thousand pounds was all the punishment he had a right to exact. But on the third year it so happens that, taking for example the first and second years, instead of being dilatory he is precise and exact to his time; or, if there is any difference, he is one day sooner than he was the year before. Therefore I beg to state to your Lordships that there is nothing in the conduct of Cheyt Sing in the third year, with respect to time and date, that was at all different from his conduct on the first and second years; and therefore there is no proof of that species of contumacy which is stated by Mr. Hastings.

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Demand on Cheyt Sing of cavalry.

However, Mr. Hastings, having found that he could not upon this ground with any colour of justice state that Cheyt Sing had been guilty of any disobedience, had recourse to another; and, as he was not always very judicious in his choice of means—indeed he had little need to be so, who was of opinion that he was everything and the rights of the rest of mankind nothing; such persons do not give themselves much trouble about fit opportunities and colourable necessities —he fixed upon the very worst opportunity he could have found to make a charge upon Cheyt Sing; for he chose to make a demand of him for that which, by the very words of the treaty, he was exempted from—he chose to make a demand of some cavalry.

Now the Governor General and Council, when, in the year 1775, they recommended to Cheyt Sing to keep up a body of cavalry, expressly said that it was merely a recommendation and not a demand. Nay, they went further and said—"If you will keep them at our recommendation, we will pay you so much a man whenever we ask them from you." What says Mr. Hastings?—"I will have two thousand cavalry; all that ever I recommended for him to keep up." He reduces his demand to one thousand, and exacts that directly. He exacts from Cheyt Sing that which he might or might not have to give him. He exacts from Cheyt Sing that which, by the very government of which he was a part, he had only recommended to him, and had not directed him to have. But I dare say your Lordships think that, when he exacted this, he had not so totally lost in his mind and memory all the principles of the connection between the government and Cheyt Sing, but that he said to Cheyt Sing—"You shall have your so many rupees a man, and so many rupees an officer." No! no such thing! He exacts them of Cheyt Sing and does not propose to pay for them.

Proposal of Cheyt Sing in respect of the demand.

One would imagine, if Mr. Hastings' object was that which I state; if his object was to exasperate Cheyt Sing—to weary out his patience—to drive him to rebellion, if into rebellion he could drive him—that he had taken the means which could not fail of the effect. But here he failed too; for Cheyt Sing makes an offer upon this—"I cannot spare so much cavalry; I have but 1,300 men in my whole province. Of those I will give you 500 cavalry, and 500 matchlock men besides, in lieu of 1,000 cavalry, which I cannot spare out of my country." Here was a proposal which to

the mind of every man must seem more than equitable—more than reasonable; which, one would have thought, must have softened a heart of most inveterate malice; which, to the mind of any one else but the prisoner, would have shown a degree of patience and determined acquiescence in every degree of exaction that could be made upon him that, one would have thought, would have softened a heart the most set upon revenge, and a malice the most set upon its object of persecution. 22 Feb. 1788.

I shall prove this offer to be made to Mr. Hastings. But it is not necessary to prove it, for he admits it. And, what I think will hardly be believed by this audience till it has been proved, whatever credit they may be willing to give me, Mr. Hastings not only confesses and admits this offer in the way I state, but he gives this, which I state as submission and acquiescence, which raises in my mind an indignation at the servility of the man who was guilty of it, but which I can excuse only from the miserable servility of the country:— Determined hostility of Mr. Hastings.

"Here I lost all patience," says Mr. Hastings, "and determined to proceed in a vigorous manner against this man. I asked him for five lacs of rupees—he paid me five lacs of rupees. I asked him again for five lacs of rupees, and he again paid me five lacs of rupees. I then proceeded to ask him for that which by the treaty he knew he was not bound to give. I asked him contrary to his treaty, because I asked him for a thousand cavalry, meaning that he should pay for them and not I. Of all this he took no notice, but offered me 500 cavalry and 500 matchlock men. At this I lost all patience."

I believe he did, because he was angry:—"I lost all patience. I find all my attempts to exasperate this man are in vain; all my attempts to make a quarrel with him are fruitless. He is so patient, so submissive, that no breach of treaty, no wrong, can drive him into any act that I can construe into anything like disobedience—into a quarrel. Finding I could not extort any pretence for acting hostilely, I did it without any pretence whatever, and acted upon my own arbitrary principles."

My Lords, I have omitted in point of time a circumstance, in order to state what I did in a manner that might be more intelligible to your Lordships. I shall now state a circumstance in point of time which is very material to the understanding of this business, and which will be very material for your Lordships to consider, when you consider the pretences upon which Mr. Hastings supposes any guilt to be in Cheyt Sing. About that time—I believe two days before, but I don't contend for the date at this moment—about the time of Present to Mr. Hastings from Cheyt Sing's vakil.

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Intended by Mr. Hastings to be applied to the service of the Company.

this third demand, an agent or vakil of Cheyt Sing's, called Suddanund, makes to Mr. Hastings a present of two lacs of rupees, or 20,000*l*. The legality of Mr. Hastings accepting such a present—the discussion whether he accepted it probably for his own advantage or that of the Company—I beg leave at present not to enter upon; because, for all the purposes for which I shall argue it, I shall admit that Mr. Hastings was competent to receive such a present—that he meant to apply it to the publice service of the Company, and had no intention of private profit in this transaction: I admit that for the argument I am going to state—I admit that so far as goes to Mr. Hastings. But I will not admit—and I am sure it cannot be proved—that what Mr. Hastings saw in this light Cheyt Sing saw in the same light.

Regarded by Cheyt Sing as a bribe.

It will not be contended, much less be proved, that Cheyt Sing, at the time he was pleading his inability to pay five lacs of rupees to the Company—at the time he was saying that he was forced to sell his jewels and was driven to many distresses to raise that sum—at the time he was making all these various pretences, whether true or false—it will not be contended that at such a time Cheyt Sing made a voluntary present to the Company of two lacs of rupees. That cannot be contended. If it should be contended, that will not be proved.

However pure Mr. Hastings' mind might be upon the subject of this present—however he might predetermine it for the use of the Company—all I contend is, that Cheyt Sing had no view of any such application of it: but that he intended it as a present to Mr. Hastings is a point that is self-evident. It is supposed that this was a mere friendly gratuitous present from Cheyt Sing. Presents of this kind are not very usual in any part of the world; I believe as little usual on that side of the globe as this. Besides, Cheyt Sing and Mr. Hastings don't appear to be upon that reciprocal mutual footing of friendship for such presents to be exchanged between them. Cheyt Sing could give it him in no other view than to influence him in his conduct. Mr. Hastings had some hesitation about accepting the present, for reasons concerning the public service which he gives and which, for this moment and this moment only, I beg to give credit to; which, for the public service however, he at length thought fit to accept. What must have been the reasoning of Cheyt Sing's vakil upon this? What account must he have given to his employer, Cheyt Sing? It must have been—"I offered a present to the Governor

He has taken it. Therefore do you be assured of his favour; be assured of his forbearance. Depend upon it you have a friend in him, who will extenuate your faults if he cannot conceal them, and will at least act mildly with you in every instance where you may be thought worthy of punishment or worthy of censure." 22 Feb. 1788.

Would not the mind of almost any other man that ever appeared upon any public occasion have been influenced by such a circumstance? Would he not have said—"If I see a contumacy, if I see a dilatoriness in the payment of Cheyt Sing, I can account for it by a circumstance which is unknown to the rest of the Council, unknown to my employers at home, unknown to the people of England; because, though I know I received his money for pure and public purposes, he thinks he has given a bribe to soften and mollify me; he thinks my acceptance of that bribe is a proof that I mean to treat him unfairly on the part of my employers, the Company, and that I mean to act partially and kindly to him." For what purpose did he think Cheyt Sing had given him that money? For once I must take the opposite of what is the general case, that, if Mr. Hastings had applied this to his own purpose, he would have so far acted honestly in this sense of it—he would have taken the money for the purpose for which it was given. But, applying it to the use of the Company, he applied it to a use not intended by the donor, and actually gave the Company money which he had levied upon Cheyt Sing by false pretence: for Cheyt Sing never would have given the money upon any other idea than for the personal favour of the prisoner, to procure his indulgence.

The Company indemnified by the present for loss by delay in payment of exactions.

I beg leave to have this present considered in another view for a moment. All that Mr. Hastings required of Cheyt Sing was the payment of five lacs in 1778, of five lacs in 1779, and of five lacs in 1780. Cheyt Sing was dilatory it seems in these payments. Admit that for a moment; what disadvantage did the Company suffer from it? The Company suffered this disadvantage and this only—that they received, later according to his opinion than they had a right to do, certain sums of money. But then they had an advantage to which they had no right, no colour or shadow of pretence, namely, the receiving, through their Governor, Mr. Hastings, a present of 20,000*l.* not claimed of Cheyt Sing. Now add that present, as it is fair and just you should do, to the other three sums I have stated. The Company have received

22 FEB. 1788. 20,000*l.* above what they had a pretended claim to; and you will find that that 20,000*l.* much more than indemnified them for any disadvantage under which they could have laboured from the money having been paid some weeks or days later than it should have been; inasmuch as that 20,000*l.* much more than covers all interest of the money that could possibly be due, from the time when it is pretended it was due till it was paid. Sensible of the weakness of this part of the cause, there has been an attempt made to say that the Company, by the dilatoriness of the last payment, suffered an injury which no payment in lieu of interest afterwards could compensate; because the troops suffered in the delay of their pay. This is an argument not supported by the facts: but we shall show Cheyt Sing had actually paid the whole of his money unto the Resident at Benares, before any of it was applied to the use of the detachment which is said to have suffered for the want of it. I own that is little to the purpose; but it is only material for me because I think I can in this instance—which is a good deal to undertake—I think I can show that, in the parts immaterial as well as those which are material to the cause, no one fact has been stated by the defendant, in opposition to those stated by the accusation, that will not be found to be false, misrepresented, or at least very much discoloured.

Statement respecting the pay of the troops being delayed through Cheyt Sing's unpunctuality.

Recapitulation.

My Lords, I will recapitulate very shortly, from the last period I brought your Lordships down before to the end of the year 1775 [1780?]. In the year 1778 Mr. Hastings exacted a payment of five lacs of rupees; it was paid in October. He repeated the same requisition the next year; which likewise was paid in October. In 1780 he received a present from Cheyt Sing's vakil of 20,000*l.* He made the same exaction upon Cheyt Sing the same year, and he received it. Subsequent to that, he made a demand of cavalry, first of 2,000 men, afterwards of 1,000; in which he made no mention of intention of paying the money the Governor and Council had engaged to pay; and Cheyt Sing made an offer of 500 cavalry and 500 match-lock men. That is the end of the business at the end of the year 1780.

Now the business will take a new appearance. Mr. Hastings, in the year 1775—for it is impossible not to go back to antecedent dates, to keep a much more necessary order in your Lordships' mind—I mean, a connection of reasoning rather than a connection of dates—Mr. Hastings in 1775 had spoken like a prophet with respect to what

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would happen to this miserable Raja, Cheyt Sing; and his prophecy was well accomplished. He seems to have looked in his book of prophecy himself, and to have said—"These are the inconveniences which I foretold must result to the Raja. They have not yet resulted to him, but now I am in power I will make the prophecy good. Everything I said that should happen to him of injustice, of oppression, shall happen to him; for I will be an unjust oppressor rather than a false prophet. It is proposed to receive the payment of his rents at Patna, because that is the nearest provincial station, and because it would not frustrate the intention of rendering the Raja independent. If a Resident was appointed to receive the money as it became due at Benares, such a Resident would unavoidably acquire an influence over the Raja and over his country, which would in effect render him the master of both. This consequence might not perhaps be brought completely to pass without a struggle and many appeals to the Council; which, in a government constituted like this, cannot fail to terminate against the Raja, and, by the construction to which his opposition to the Resident would be liable, might eventually draw on him severe restrictions, and end in reducing him to the mean and depraved state of a mere zamindar. The voluntary restraint laid by the government on its own actions," by which, it appears, Mr. Hastings thought that the government of 1775 was a restraint upon the actions of the Company, for it was a voluntary restraint—"will afford the Raja the greatest confidence, and naturally inspire him with sentiments of fidelity and attachment, both from the principles of gratitude and self-interest. Without some such appearance, he will expect with every change of government additional demands to be made upon him"—his expectations, my Lords, if he entertained such, were certainly not disappointed—"and will of course descend to all the arts of intrigue and concealment practised by other dependent Rajas, which will keep him indigent and weak, and eventually prove hurtful to the Company." If therefore he did practise all those arts of intrigue and concealment, they were not such crimes but what Mr. Hastings had foreseen to be the natural consequence of the situation in which he was to be put. Now, if a man is put in such a situation in which he will naturally be led to the commission of crimes, I don't say that therefore he ought to go wholly unpunished, but I think that the person who is of opinion that that situation will naturally lead to the

Consequences of receiving Cheyt Sing's rents through a Resident foreseen by Mr. Hastings.

22 FEB. 1788. commission of those crimes will at least consider his guilt with indulgence and partiality, and will consider such crimes as naturally arise from his situation to be crimes pardonable in human nature and not to be punished with the excess of severity. "By proper encouragement and protection he may prove a profitable dependent, an useful barrier, and even a powerful ally to the Company; but he will be neither if the conditions of his connections with the Company are left to future variations."

My Lords, these are the consequences which Mr. Hastings foresees of that material difference, of that eternal distinction, between the two propositions of his being to pay his tribute at Benares rather than at Patna, and of having a Resident in that country. If it was so mischievous to have a Resident in that country, one would think the first act of Mr. Hastings when in power would be to recall the person who was Resident there; not for the purpose of replacing him with one of his own, but for the purpose of correcting an establishment of which he foresaw all the evil consequences, as stated upon his minute. However, he was partial to his own prophecies, and when he came into a situation of power he undoubtedly did make them all good. New, unheard-of, demands were made; new disputes arose between the Resident and Cheyt Sing. These were determined in favour of the Resident, and Cheyt Sing was reduced to the miserable condition and situation which Mr. Hastings so properly describes.

I have now stated the transactions of 1778 to 1781; and I beg your Lordships to carry in your mind a recollection that the subsidy, or exaction—call it what you will—was paid in 1780 at the same time as it was paid in the antecedent years 1778 and 1779; therefore this could not be urged by Mr. Hastings as the immediate reason for his anger. But he states others, and, among the rest, this of the cavalry, which I am sure your Lordships will think ought to have been a circumstance to have appeased his anger, if he had conceived any, rather than a circumstance to excite any new resentment.

Prosecution by Mr. Hastings of his vengeance by levying a fine on Cheyt Sing.

Mr. Hastings, in prosecution of his plan of vengeance against Cheyt Sing, which I have stated, set himself down to consider in what character, by what means, under what pretences and by what authority, he should execute the vengeance which he had conceived. One should have thought that it did not require the resources which that great man is said to possess—such resources as your Lord-

ships will hear in the course of this trial—it did not require the resources of an extraordinary mind, to consider how one should execute vengeance upon a man who is stated to be in this predicament—that Mr. Hastings' rights are everything, and his vassal, Cheyt Sing's, nothing. I should think, upon such an occasion, there did not require much difficulty [to determine] how he should execute his vengeance. But, whether from fancy or not I don't know, he seems to have had a choice about executing that vengeance; and he seems to have determined that the mode in which he should execute vengeance upon Cheyt Sing should be by levying upon him an extraordinary sum of money; and he whimsically enough chose to call that sum of money a fine, as will appear to your Lordships, without having any precise idea of what a fine means. 22 Feb. 1788.

He states that Suja-ud-Dowla had levied a fine upon Cheyt Sing merely upon the death of his father. One would have thought by fine he had meant that species of rent taken in the shape of a fine, by those who have a right to exact it, upon those who hold lands upon the lives of persons. There is no such instance in that country; and why it was introduced, unless to show the confusion of a man's mind, that he did not know a fine in the shape of a mulct from such a fine, I know not. But he says he will levy a fine as a punishment upon Cheyt Sing for his crimes.

Mr. Hastings' judicial acts directed by the desire to gain money.

This is a case which your Lordships will be peculiarly fitted to judge, because you must lately have turned your minds and employed your thoughts on what is the duty of that sacred august character. Mr. Hastings leaves the character of general despot of Hindustan, in order to assume a character of a very different nature—the character of a criminal judge, to try a culprit for a crime. Now we will see how Mr. Hastings behaved as a judge upon that occasion; whether he followed those rules of criminal judicature practised in the most enlightened modern times, or whether he followed the example of the worst of judges that were ever detested of mankind. But he assumes the character of a judge. I will state to your Lordships what passed at the outset; which will be sufficient to give you an idea of what was to be expected would be his subsequent conduct in it. The honourable Manager who opened this prosecution stated, that, in all Mr. Hastings' transactions—in his negotiations, in his conduct, in his treaties, in his legislative character, in

22 FEB. 1788. his executive capacity, in his reasons for war, in his reasons for peace, in every part of his government—there was some prevalent principle, namely, money—that how to get money for the Company or himself was the prevalent principle in every transaction of Mr. Hastings' life. My honourable friend mentioned many, but omitted [to state]—whether out of kindness to me, that I might have an opportunity of stating it more fully now, or from forgetfulness, I know not—but certain it is, that money was the prevalent principle in his distribution of justice. He applies money as the principle not only of peace and of war, of negotiation and of legislation, but he applies money as the principle of criminal jurisprudence, as the principle of criminal punishment; and he considers the distresses of the Company and their want of money, at the moment he is erecting himself into the character of a judge and is meditating levying a fine. If I was now at the bar of this House, calling upon your Lordships for your judgment upon the prisoner—if, at the close of this prosecution, I should be called upon so to do—if your Lordships find the prisoner guilty—if I should state that this country has been drained by an American war, has suffered by a variety of accidents—if I was to state, not that Mr. Hastings is guilty, not that he has committed the crimes imputed to him, but that he is very opulent, worth a great deal of money; that the finances of this country are in an exhausted state; that there is not that surplus which was expected (I don't mean to say this is so—I hope otherwise); that the exchequer is poor: take this opportunity, therefore, of converting the crimes of Mr. Hastings into an advantage to the exchequer, and be sure you find him guilty and fine him largely, it will be an improvement of the finances of Great Britain—if I were thus to address your Lordships, you would send me away from your bar with the indignation that would become so detestable an argument. Disgraceful indeed is the sovereign who looks for his resources in the crimes of his subjects; who does not consider their prosperity, their industry, as the means of his power and wealth, but looks at their crimes, their fines and mulcts, as a means of his resource. Disgraceful is the situation of the sovereign. But most lamentable indeed is the situation of the subject who comes to defend himself before a tribunal who own they are in want, and look at the fine he is to pay as a means of relieving their want, and a hope to supply their exhausted finances. If I was to press such an argu-

His plea of benefiting the Company's exchequer by the fine.

ment to your Lordships, you would send me away with every mark of contempt, of degradation, which such an argument would deserve; and yet this is the very argument with which the prisoner set out upon his judicial office and his judicial character. 22 Feb. 1788.

He begins with saying—"I thought the Raja guilty of great contumacy. I sent to examine into that business, and to improve the interests of the Company,"—upon a subsequent examination he says—"by taking 500,000*l.* out of Cheyt Sing's pocket, and putting it in theirs." How? As a present? As an extortion? All this is bad enough. No! but ten thousand times more detestable; not upon the plea of necessity, of want, of absolute sovereignty, but upon the plea of criminal jurisdiction—that he is guilty; and I will make him pay that as a fine, as a punishment for his guilt. We all know the sole object of punishment should be example. Think of him who goes as a judge to punish, not for example, but for the purpose of finding resources for the Company—for the punishing crimes as an improvement of the interest of the Company in their territories!

Mr. Hastings' journey to Benares.

A judge who set out on his mission with such principles and professions was likely to act consonantly to them. This judge, as he calls himself, goes to Benares. He had time, in his journey thither, to consider of all the sacred duties that belong to that sacred office. I don't believe he spent much time in the discussions which have lately employed your Lordships, and which have employed us at the bar. He did not consider who were the prosecutors: he did not consider who was the defendant: he did not consider in what manner the defendant was to manage his defence: he did not consider that it was necessary that he should hear all the charges against him before he spoke a word in his favour, before he made his defence. I don't believe he considered any one of these circumstances with that minuteness which your Lordships have thought it necessary to consider them.

Mr. Hastings acting as accuser, witness and judge, in the case of Cheyt Sing.

The complaint of Cheyt Sing was, not that his accusers were not persons of authority, not that they were persons, as has been said, of ability, but that his accuser was no other than his judge; that his accuser and his judge was no other than the absolute despot who had power over him and over everything in India. Such an accuser and a judge, who must feel all the difficulties of these two characters not very desirably connected with each other—which were forced to be so connected—this accuser and judge, one would

22 Feb. 1788. have thought, would at least have affected all the delicacy requisite upon such an occasion, and would have said—"I will take care, in the office of a judge, to pay no particular respect to the accusation coming from myself, and to examine the accusation more hard than I would any other accusation that might come before me." He sends to Cheyt Sing: he states his crimes. Does he call upon him for his defence? Does he hear witnesses against him? No! there was but one witness against him. I suppose, at least, as the whole cause depended upon one witness, that it was a witness perfectly impartial—that it was a witness who could not be suspected of any interest in the cause. Who is that witness? He that was the accuser and the judge was the witness. He that was the accuser and the judge and the witness was also the Governor General, who professed he had the finances of the Company in idea at the very moment of the trial and judgment of the criminal!

We are used here to modes of trial perfectly mild and perfectly regular. Does it not suggest to your Lordships some considerations of the peculiar situation in which we now stand here, when we find that a judge, having acted in that way in which I state—who was accuser, witness, judge, party, and who was to profit by the consequences of the conviction; who was to profit by the fine—when he judged in this way, without hearing a defence, without giving Cheyt Sing the means of defending himself, or giving an opportunity for anything to be said in exculpation—we cannot but feel just admiration of the laws of England, and we cannot help admiring his modesty—when he comes to your bar and talks by his Counsel of the extended privileges to be granted to a man in such a situation; that he is not to open his defence till he has heard every accusation against him? When we contrast the laws, we must say that oppressors in India have every chance of escaping. After you use every mode of oppression in that country, you are to be tried here upon a mode, a system, of refinement in mildness upon the judicial practice in any country whatsoever.

Coldness of his reception of Cheyt Sing.

With these dispositions that I have stated—with this idea of the judicial character—he goes up to Benares. Cheyt Sing comes to meet him. He receives him with great coldness—may be, with a coldness that might become him; a coldness that certainly befitted a person who was about to judge an accused man; for I am not one of those who think that it would much become those who are to sit

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in judgment upon any man to express sentiments beforehand which seem to imply any partiality in his favour. But he received him with a proper and I suppose impartial coldness. He then writes a letter, and received an answer to that letter. I shall not trouble your Lordships with reading the letter he wrote: it will be in evidence, and your Lordships will judge upon it. But I will make one remark upon it beforehand, in which if I am wrong, it will be observed in the course of the evidence. The letter he writes to Cheyt Sing is full of reproaches—is full of charges of blame—but there is not anything which can come under the description of requisition in it. He does not say—"You have offended in this particular; atone for your offence by submission; atone for your offence by paying a specific sum or by any particular means." I know the reason why it was so written. It was because the Governor General had had such repeated proofs of the exhaustless patience of Cheyt Sing that he thought he could not put upon paper any demand, however tyrannical or oppressive, that Cheyt Sing would not comply with; and thereby he would be prevented of his intention, namely, the destruction of Cheyt Sing. To believe that that was so, no small argument will arise from a circumstance that will come out in proof—that there is reason to believe that Cheyt Sing was willing to pay no less a sum than twenty lacs of rupees for what is called his offences.

His letter of reproach to Cheyt Sing.

Willingness of Cheyt Sing to redeem his offences by a fine of 20 lacs.

Now, your Lordships will consider a little the offences and the punishment. Cheyt Sing had been called upon for 50,000*l.* three years following: he had paid them within a short time of the time when they were required to be paid; but he had been dilatory in payment—had been evasive perhaps. Be it so:—but he was willing to give no less a sum than 200,000*l.* as an atonement for that crime. Need I say more? If I hear that a person who has committed the offence of being dilatory in the payment of 150,000*l.*, by a few weeks and a few days, is willing to atone for that offence by the payment of 200,000*l.* at once, I must say that, knowing such a disposition in such a person, I must reason thus—that there is nothing that I can state to him, as a proper atonement for his crime, which he would not accede to with readiness and with patience; by which means I shall be deluded and defrauded. Defrauded of what?—defrauded of my revenge. I shall not have an opportunity of making an example of him. I shall not have an opportunity to

22 Feb. 1788. show that an offence to me personally is an offence to be punished with banishment from his kingdom—is an offence sufficient to turn a sovereign prince into a wanderer. Cheyt Sing seems to be a man of such patience—such submission —such determined acquiescence in any demand—that he did not propose any [abatement ?] whatever, for fear it should have been complied with.

Cheyt Sing's answer to the letter.

Now, having stated the subject of his letter, which I would certainly read if it was not for wasting your Lordships' time, I shall beg that the answer of Cheyt Sing to that letter may be read; because I think it will be material that that should be impressed upon your Lordships' mind at the moment that I make the observations which I shall make subsequent to it.

[*Mr. Grey read the letter, which is as follows :—*]

"I received your letter*, delivered to me by Mr. Markham; and I have understood every particular of its contents. Sir, after the arrival of Shaich Ali Nuchy, I observed all the orders which you sent me; and I received the letter which the deceased Shaich brought me, informing me that every suspicion was now completely removed from your mind, and that I must consider you, as formerly, attentive to me. But I have not experienced from you the same generosities as formerly. I sent you repeatedly letters, representing to your consideration my unhappy circumstances; but you never honoured me with any reply. For this reason I sent my bukshee† Suddanund to your presence, enjoining him to represent to you the firmness of my obedience and attachment; to lay before you the particulars of my situation; and to learn the disposition of your mind towards me. He arrived accordingly in your presence and represented everything in a proper manner. I have never deviated in the smallest degree from these professions; and the benefits and civilities with which you have honoured me have given me the greatest satisfaction; and I have considered you as the source from which I derived the fulfilment of all my wishes and desires. It is my firm hope that I may be always favoured with your directions. In this manner I complied with the utmost readiness with the order you sent me for the payment of five lacs of rupees, on account of the expenses of the war. I sent first one lac of rupees, with an answer to your letter; afterwards, having paid to Mr. Fowke the sum of one lac and seventy thousand rupees, I sent a letter requesting a further allowance of time to enable me to make some preparations. To this I received no reply—it being no time for delay. Notwithstanding this, I was not a moment inattentive to this concern; and, as soon as my bukshee arrived, I paid immediately the remaining part of the sum. The remitting of this to the army did not depend on me: if any delay happened on this head I could not help it. If, besides the payment of the money, the remittance of it also to the army had

* The letter referred to, together with that printed above, occur in Hastings' "Narrative of the Insurrection," &c., page 15.

† A paymaster.

rested with me, a delay of this kind should not have happened. I have enclosed in this letter a paper, specifying the particular sums which have been advanced, with their dates. 22 Feb. 1788.

"With respect to the horse, you desired me in your letter to inform you of what number I could afford to station with you; and I sent you a particular account of all that were in my service, amounting to one thousand three hundred horse, of which several were stationed at distant places; but I received no answer to this. Mr. Markham delivered me an order to prepare a thousand horse. In compliance with your wishes I collected 500; and, as a substitute for the remainder, 500 burkundasses,* of which I sent you information, and I told Mr. Markham they were ready to go to whatever place they should be sent. No answer, however, came from you on this head, and I remained astonished at the cause of it. Repeatedly I asked Mr. Markham about an answer to my letter about the horse; but he told me he did not know the reasons for no answer having been sent. I remained astonished. With respect to the sepoys, I received first an order to station two of my companies; which I did. I was then desired to give a tunkawt† for the payment of the sepoys, and likewise to pay the captain; which has been done every month.

"Excepting Abdullah Beg and his attendants, none of my people, either dependents or servants, or others in any shape connected with me, have ever gone to Calcutta. My enemies, with a view to my ruin, have made false representations to you. Now that, happily for me, you have yourself arrived at this place, you will be able to ascertain all the circumstances relative to the horse, to my people going to Calcutta, and the dates of the receipts of the particular sums above mentioned. You will then know whether I have amused you with a false representation, or made a just report to you. I have given my aumils‡ most particular injunctions, and have taken a penalty bond from them, that they shall keep no thieves in their district. What power have they to act otherwise? But if ever a murder or a robbery is committed in the country, I have been careful to impale or otherwise punish the culprit. If a person having committed a delinquency should escape to some other place, so as to elude all discovery, I am in that case helpless; but to the utmost of my power I endeavour to fulfil your orders.

"I have never swerved in the smallest degree from my duty to you. It remains with you to decide on all these matters. I am in every case your slave. What is just I have represented to you.

"May your prosperity increase!"

[*Mr. Fox continues*:—]

Your Lordships, who I dare say have listened with attention to this letter, will observe that it is what a letter ought to be in answer to such a letter as I have described, namely, a letter which consisted of reproaches and imputation, without desiring any specific answer to it by way of offering an atonement or any other. Above all, your Lordships will observe upon the style and manner of this letter; Reflections on the submissiveness of the answer.

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* Men armed with matchlocks, and employed as police officers.

† Tankhwah—an order or draft for money; an assignment on the revenue of a particular locality.—Wilson's *Glossary of Indian Terms.*

‡ Superintendent of a district.

22 Feb. 1788. and I have no doubt but your Lordships, who feel those generous sentiments which belong to the high nobility in this country, will feel for the degraded state of a man of ancient family and high rank in that country, who could be obliged to write a letter in such a style, so abject and submissive that it almost takes away from the compassion one should have for him. There appears such a degree of humiliation as to European ears is hardly possible to be endured. When your Lordships consider that this was a man who paid 240,000*l.* a year to government—when you consider that he had of course a proportionable rent reserved to himself—when you consider him a man of ancient family and high rank in this country, though he was a subject—for a subject, a vassal, they contend he is, and which I admit him to be; but such a vassal as paid 240,000*l.* a year clear rent is no common and mean subject—I say the high blood of your Lordships and your Lordships' liberal sentiments must feel a kind of disgust to think that a person so distinguished by rank, by opulence, and distinguished by everything that gives consequence, could be induced to write to a subject of the King of Great Britain in a style rather becoming that of a slave to his master than of a freeman even to the real Sovereign of this country; that he could be induced to write such a letter as your Lordships would be ashamed to read, and much more would the person of the Sovereign be ashamed to receive, on account of its abjectness and submission, from a subject of this country.

Now, your Lordships will see Mr. Hastings' behaviour. You will keep the subject of the letter in your minds, and, above all, keep the words of it in your minds. I will repeat the last words of it:—

"I have never swerved in the smallest degree from my duty to you. It remains with you to decide on all these matters. I am in every case your slave. What is just I have represented to you. May your prosperity increase!"

Mr. Hastings' observations on the answer.

Mr. Hastings, giving a narrative of his proceedings to his superiors, says—"This answer you will perceive to be not only unsatisfactory in substance"—how, unsatisfactory in substance?—to reproaches what could be replied but vindication?—"this answer you will perceive to be not only unsatisfactory in substance, but offensive in style"—yes, offensive for its meanness, offensive for its abjectness, offensive for its submission, one would hope the prisoner must have meant. I wish he could have meant so: the subsc-

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quent words prove he meant it in another sense—"and less a vindication of himself than a recrimination on me."—The letter which you have heard from this poor abject man, in these miserable and compassionate circumstances, is stated not to be a letter in vindication of himself, but recrimination of Mr. Hastings—"It expresses no concern for the causes of complaint contained in my letter nor desire to atone for them, nor the smallest intention to pursue a different line of conduct. An answer"—I beg your Lordships to attend to Mr. Hastings' description of this letter — "an answer couched nearly in the terms of defiance to requisitions of so serious a nature I could not but consider as a strong indication of that spirit of independency which the Raja has for some years past assumed, and of which indeed I had early observed other manifest symptoms, both before and from the instant of my arrival." That answer which your Lordships have heard, and which you must have heard with the feelings and sentiments which I have supposed to be in the breasts of your Lordships, this man at your bar, drunk with the idea of arbitrary power, intoxicated and corrupted by that worst of all intoxications and that most dangerous of all corruptions, having power for which he fondly thought he had no responsibility, being corrupted and destroyed by this, states that which to every English—to every European—I should think, to every Asiatic—ear must be abject, low and mean, to a degree, to be couched in terms of a defiance. How defiances in that country are couched I know not; but if this is an instance of defiance, I should like, I own, as a literary curiosity, to peruse some sample of what is called submission in that country.

I have stated this in the manner in which I state it to your Lordships in order to impress upon your Lordships, not the general character of this man, for that is no part of my business, but the character of this man in the subjects which I shall bring before you; which I know has by ignorant people out of doors been called in some places a calumny and abuse, but which it is necessary to state; for an accuser is to state what he thinks of the motives of the criminal. I have stated this to your Lordships with that view. I trust, in so doing, I do nothing but what the duty of my office requires from me in this place.

Parallel between the prisoner and Alexander the Great.

My Lords, I state this to show the character of this man; and I here find some little account in my own mind for a parallel which I hear was once made between the prisoner at the bar and the greatest, though not perhaps the most

22 FEB. 1788. amiable, character of antiquity — I mean Alexander the Great. I have heard that the services of this man have been compared to the important conquests of that extraordinary character, who is so well known in every part of the world by the name of Alexander the Great. I am told that that has come from high authority; that it has come from a person of such rank and authority as to dispute in some cases precedency with the princes of the blood in this country.* I have heard that from such authority it has been said there might possibly be some resemblance, and that it has been attempted to draw a parallel between Alexander the Great and the prisoner at the bar. I confess there is some resemblance; but it must be in Alexander's case when intoxicated; when he had the vanity to suppose himself a God and not a man; when, in the heat of a debauch, he set fire to a town to gratify his feelings at the moment; when, in a debauch, at the moment of rage, in fury and corruption, he did those acts which cast a shade upon all his conquests, and made it doubtful whether now he is more to be revered for the great acts he performed or detested for those disgraceful actions of which in those circumstances he was guilty. In that view I see a resemblance between these two persons. It appears as if the prisoner in his sober moments was something like Alexander when rising from the fumes of a debauch. If in that view the parallel was stated, it was worthy of the great abilities by which, as I have heard, it was drawn.

"All that disgraced my betters met in me"

is a compliment wisely and nobly refused by a great philosopher and poet in this country.† If there be any resemblance in this case, it is only that the spot—the specks—the blemishes—of that great character resemble the constant habits of the life of the man now before your Lordships. In those paroxysms of pride and insolence in which he considers expressions the most abject as expressions of recrimination on him and of defiance, he does not forget that he is in the awful—in the impartial—in the august—situation of a judge: he comes to judge and to punish Cheyt Sing.

Cheyt Sing placed under arrest.

Cheyt Sing did not dispute with him about the time, and the stage, and the season, in which he should prefer his defence. He was not permitted to prefer it at all; for immediately upon arriving at Benares, after receiving this

* The authority alluded to is Lord Thurlow.
† The poet Pope.

supplicating abject letter, the Governor General thinks proper to put him under an arrest. I wish to have no recourse to Asiatic manners—I wish to have no recourse to any Oriental customs—to state to your Lordships what must be the consequence of that arrest. It lies upon those who support the defendant—it lies upon his Counsel—to show that an arrest and personal imprisonment, which in Europe is considered as an important degradation, is in Asia considered as nothing—that there is something in the manners of that country which makes that not repugnant to their ideas which here would be thought intolerable. 22 Feb. 1788.

Consider who Cheyt Sing was. A subject of the Company Mr. Hastings states him to be: so be it. But what subject of the Company? The first in point of rank and opulence, paying a yearly tribute of 240,000*l.*: but that is not all—having a special grant from the Company of the criminal jurisdiction and of the mint, or coinage of money. Suppose any person—call him prince, subject, vassal, what you like—suppose any person in Europe in possession of such prerogatives, dealing out criminal justice to his subjects and coining money for the purposes of commerce; suppose such a person, in his own dominions, by a foreigner, as it were, put under confinement: is not that a complete annihilation of him and of his authority in that country?

Pretended justification of the arrest.

Let us consider the principles upon which the prisoner has endeavoured to justify this. First, as a fine. Consider the crimes, and consider the punishment. The first crime imputed is delay of a few months in paying 50,000*l.* The next crime is, that when a thousand cavalry are asked of him he offered only five hundred cavalry and five hundred matchlock men. So that the whole of the positive crime of Cheyt Sing consists in the difference between the payment of these sums in October instead of July—that is a matter of arithmetic; it may be estimated, and will amount to, I believe, very few thousand pounds. The next is as to the requisition of the cavalry—which, whether it was legal or not, I am not now disputing—that, instead of a thousand cavalry, he offered five hundred matchlock men and five hundred cavalry; therefore the difference is the expense to him between five hundred matchlock men and five hundred cavalry. For these crimes what is the punishment?—an exaction of 500,000*l.* fine; and before he has had an opportunity of paying that sum, an imprisonment of his person,

22 Feb. 1788. a degradation from his sovereignty, and an annihilation of his authority.

Disproportion of offence and punishment.

I laboured with your Lordships an argument, with undoubtedly some degree of diffidence though at the same time confidence in my cause, because there I was resisting those great and splendid abilities to which I before alluded, and which somewhat differed from me upon that subject.* Here I am happy to state that I agree with them; though it was no more than was to be expected from the abilities of the honourable person to whom I allude—that, however he might differ in point of law—however he might differ with respect to the constitution of that country, which he had only studied as an exercise and not in the way in which we study the constitution of our own country—yet, when he came to compare the disproportion between the crime and the punishment, good sense drew from him what I am confident it will draw from your Lordships—that it is abominable—that it goes to the conviction of all mankind that it is not to be endured—so to disregard the proportion between the crime and the punishment as to exact 500,000*l.*; namely, ten times the whole sum which he had been dilatory in paying. I speak of the exaction of this fine, though undoubtedly it never took place. I think I have a right so to speak of it; because it was declared as the intention of Mr. Hastings in going to Benares, and that the imprisonment was leading to the exaction of that fine.

Presumed offences imputed to Cheyt Sing.

I suppose those who undertake to defend Mr. Hastings, having felt the weakness of the cause in this particular, having seen the horrible disproportion between the crime and the punishment in the way in which I have stated it, have felt it so strongly, that this small crime of Cheyt Sing's is forced to be aggravated and eked out as it were by other supposititious and fictitious crimes, which Mr. Hastings imputes to him in the paragraph which I have just read to your Lordships. He says, "I could not but consider it as a strong indication of that spirit of independency which the Raja has for some years past assumed, and of which indeed I had early observed other manifest symptoms, both before and from the instant of my arrival." In another part of the narrative he uses expressions to the like effect: he says—that he did not consider these particular disobediences of

Spirit of independency.

* See preceding note, page 224.

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Cheyt Sing's so much on their own account, as inasmuch as they seem to imply a spirit of independency, and a desire to shake off the British yoke. I wish that argument to be considered by your Lordships; and I think, without any evidence but that which they will allow to be the best evidence, namely, Mr. Hastings' conduct, I can prove that he had no such belief existing in his mind. I must first observe respecting this judge how exceeding easily he took impressions of the kind which I stated to your Lordships; for he says that there were marks of independency in Cheyt Sing which he had observed for some years. What those were I am at a loss to know: but he says, not only for some years past, but that indeed he had early observed other manifest symptoms of it, both before and from the instant of his arrival at Benares.

Disproved by Cheyt Sing's conduct.

I have heard of the resources of Mr. Hastings; I have heard of his commanding and penetrating genius; but how, the very morning after he had arrived at Benares and received this letter from Cheyt Sing, and had an interview with him, in which Cheyt Sing, by his own confession, approached him with every mark of submission and laid his turban on his lap—how, after all these circumstances, with all he had seen after he had been at Benares, how his penetrating genius and eagle eye could see those marks of independency I am at a loss to conceive, and believe your Lordships will be at a loss to conceive. But, my Lords, he saw no such principles; he did not believe that any such existed; he knew they did not. If he says to the contrary that he did, he will only change the nature of his crime but not lessen it; for if he did believe it, his going to Benares with so small a force was unwarrantable. Did he go to this great subject, with these immense revenues, with these great riches—for Mr. Hastings states him to be rich—with these claims to independency, with these desires to shake off the British yoke, and with a determination to it on the first opportunity—did he go up to him with such a weak guard, with so little resources of defence, that in the subsequent event he seems to think it very providential that Benares was not rescued out of his hands, but was still a part of the possessions of the Company? "Though this wicked Raja hates the English, though he has great wealth, is great and powerful, with evil and malicious designs towards Great Britain, I don't think he will have an opportunity at present. I am going to him upon such an innocent errand, such a mere ceremonious visit, upon

The circumstance of Mr. Hastings going with only a weak guard to Benares.

22 FEB. 1788. an occasion so trifling and unimportant, that, whatever may be at the bottom of his heart, he will have no pretence to break out on this occasion: therefore I require no guards for my defence or army to repel any resistance he may make." He is going to this person, in whom for years past he had observed strong indications of a spirit of independency, and of which he had early observed manifest symptoms—he goes, weak, unarmed, defenceless, to do what?—to seize him in his capital; to take his forts in one alternative, or force him to pay a fine of 500,000*l.* in the other, when he had before shown himself unwilling to pay 50,000*l.* He went to make the most extraordinary demands upon a person whom he knew unwilling to comply with them; he went to inforce them by the most violent and compulsive means: and this he did with respect to a great, opulent and rich, prince whom he knew to have designs adverse to the British interest—and this he did, going almost alone and without a guard. If I admit his defence in one particular, then it only goes to changing the crime. When I impeach him here of a gross neglect of the British interests in India, going upon a message which he must know to be a message of provocation to the Raja, going with a view to fine him, to imprison him, without any means to quell and suppress the resistance he would probably make upon such an occasion, he would only change the nature of the crime, as I said, and not in the smallest degree diminish or excuse it. But, that it is impossible to be true, the very facts prove plainer than any thing I can say.

The province of Benares was lost to the East India Company and recovered again: and that will be brought as a proof of the merit of Mr. Hastings—the merit of a man recovering by resource or exertion what was lost by improvident neglect. The province of Benares was lost—what, by the great power of Cheyt Sing?—No, by the weakness of the British force. He says, "With respect to the British interest in India, my person, which has the qualities of a talisman, God knows." * To what did he intrust that sacred

* The following appears to be the passage referred to:—" Let it not be supposed that I attribute too much consequence to my own person when I suppose the fate of the British empire in India connected with it. Mean as its substance may be, its incidental properties were equivalent to those which, like the magical characters of a talisman in the Arabian mythology, formed the essence of the state itself; representation, title, and the estimate of public opinion."—*Narrative of the Insurrection*, &c., p. 29.

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talisman he so describes?—to a small, to an inconsiderable, guard in the capital city of a person intriguing against the British power, and known to be an enemy to the British interest. If he intrusted that talisman with a weak guard, upon what occasion was it?—when he knew that person—before, an enemy—was going to receive that which he would think a provocation and justification for all manner of injuries. If this be true, and he knew this really was the disposition of the Raja, he is as guilty of neglect on that side as, on the other, I state him to be guilty of oppression. But he knows it was not true: and the subsequent event goes to demonstrate—what every other circumstance does—that Cheyt Sing knew that he was a dependent slave on the British power; that he must lay his rank, authority and existence, at the foot of Mr. Hastings—which he does in the most abject and submissive manner; and that he would have done everything rather than come to the point, which he was obliged to come to, of complete and acknowledged dispute between him and the Governor.

Cheyt Sing's forbearance, in not alluding in his letter to his present to Mr. Hastings.

There is one thing worthy your Lordships' observation upon the present which Cheyt Sing had made, with a view of appeasing him. He meant it as a present to the individual and not to the public. Mr. Hastings writes to Cheyt Sing a letter full of every species of reproach and blame. Cheyt Sing answers it in a style which I state to be everything abject and submissive, and which Mr. Hastings states as everything defiant and offensive—that it was recrimination. If he had been disposed to recriminate, Cheyt Sing would have stated the illegal present he had made him, and which he supposed Mr. Hastings converted to his own advantage, though the contrary fact may be true. He does no such thing: but, in a paper which cannot be evidence before your Lordships, and which therefore I shall not mention to criminate Mr. Hastings, in a manifesto Cheyt Sing published afterwards, enumerating all the wrongs he had suffered from the India Company, he never once mentions that present: he never mentions it in any part of the dispute, nor in this recriminatory letter—not in this letter after his expulsion from the country, nor in a letter which was written to Mr. Hastings when in open acts of hostility, does he mention it.

Sacred character of presents in India.

I mention this forbearance, to show your Lordships the nature of presents in that country; that they are considered as so sacred that the name and character of an informer with

22 Feb. 1788. respect to presents is there held so odious that even when in open hostilities—when declaring he has suffered every wrong that can be conceived of by Mr. Hastings—he still preserves that species of fidelity which those linked in crimes do to one another—that he does not mention this which he paid as a bribe.

Recapitulation of Mr. Hastings' acts at Benares.

I have now brought Mr. Hastings to Benares. I have stated to your Lordships with what view he went there. He went not as a legislator; he went not as a military officer; he went not as Governor; but he went in the sacred office and character of a judge. I have shown your Lordships how he performed the duties of that character. He performed them by beginning with reproaching the criminal, and declaring an abject defence of the criminal an open defiance: he then proceeded to put under an arrest that criminal, being under the circumstances which I have stated.

The rebellion at Benares chargeable on Mr. Hastings.

Now I am ready to maintain at the bar of your Lordships, or of any tribunal in the world, that, if I have succeeded in proving—which I have no doubt I have, unless I have stated facts which the evidence will not afterwards bear me out in—if I have succeeded in proving this, that Mr. Hastings did illegally and wantonly, under pretences and colour of justice, endeavour to extort a sum of money from Cheyt Sing, and put him in prison, without any just consideration moving him thereto—that all the consequences, the rebellion as he has called it (miscalled it in my opinion), of Cheyt Sing, the loss of the province of Benares, and the banishing Cheyt Sing from the country, are all chargeable upon Mr. Hastings, and he is answerable for all the consequences.

And having therefore proved—I have no doubt to your Lordships' satisfaction—that there never was a more unwarrantable act committed, and not excused but aggravated a thousandfold by the pretence under which it was committed, and aggravated still more by assuming the sacred character of a judge, it will not be necessary for me to prove that all the consequences which followed that act were imputable to that man originally. The consequences of the imprisonment were such as might be expected. In the course of the imprisonment there were many things disgusting to Cheyt Sing. Among the rest, a man of low rank in that country offered him an insult. Those who were attached to their prince, whom they were used to obey under the India Company, enraged at the insult, acted upon it as men in such a situation ought to have acted; for I must

say they acted justifiably upon that occasion. That produced that sort of riot which ended in what was called a massacre at that place, and in the final expulsion of Cheyt Sing. To whom do the British who were there massacred owe their death? If what I have stated is true, they owe it to Mr. Hastings' unjust exaction and violent punishment. If it is not true, still they owe their death to him; because he rashly went to provoke a power which he knew to be formidable and adverse, without having with him the means to restrain and suppress the natural consequences arising from such an action.

Therefore I stand here, and charge Mr. Hastings, not only in the name of Cheyt Sing—not only in the name of that province which, from being the garden of India, is now stated to be in that lamentable situation which Mr. Hastings' glowing pen has well described in one of his letters—I speak not only on the part of Cheyt Sing and his unfortunate subjects—but that Mr. Hastings, either by his unwarrantable exaction of the fine, by his improper imprisonment of Cheyt Sing, or by neglecting to support those acts if proper, is answerable for the loss of Benares and the consequences which followed to the Company; for the province of Benares was for a time lost, however it might afterwards be recovered. I am now drawing very near the conclusion of what I have to offer to your Lordships.

Recapitulation of previous statements.

I have stated the circumstances which took place in all the years preceding 1778: I will not recapitulate them. I have stated the several demands of five lacs of rupees in 1778, in 1779, and in 1780; I have stated the demand of the cavalry, and the answer to it; I have stated the imprisonment of Cheyt Sing; I have stated the circumstances which preceded that imprisonment; and I have marked out—which I hope your Lordships will keep in your minds—the two points which seem to have been the real causes which produced Mr. Hastings' actions upon the moment; that is, that where he professes to have lost all patience was the offering him the five hundred matchlock men instead of five hundred cavalry; that it was which made him take the determination of going down to Benares to punish the Raja for his contumacy; [and] that, when he had taken that determination, the terms in which the Raja's letter was couched prompted him to the execution of these violent acts.

I have stated also that he did all this—which I consider as a very high aggravation—in the quality of a judge.

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Mr. Hastings' delegation of his powers as Governor to Mr. Wheeler.

I ought to have stated (I omitted it in its place)—what I shall not much insist upon; because I am perfectly clear that I am right in the argument: I consider it as merely an aggravation upon this subject, however, if it had existed alone and of itself, it might have been a crime worthy the attention of your Lordships—that, when Mr. Hastings went up to Benares, he went not as Governor General, in any known quality in which he could go; but he had an illegal delegation of all the powers of the supreme government to himself in person. He at the same time redelegated them, as it were, to Mr. Wheler, who remained at Calcutta.

I am sure, to your Lordships who have the advantage of great legal knowledge, many of you, to your Lordships who have the assistance of great legal knowledge, it is unnecessary for me to waste time to prove that, when an act of Parliament has prescribed that there shall be a Supreme Council at Calcutta, there is no power in the act to establish two distinct Governors General and Councils, but one; and that that one may delegate to its servants such power as is proper for delegation, but it cannot delegate the whole power to another, to act the same as if it were there in person.

The reason why I do not dilate upon this is because, mixed with the other business I have stated upon this Article, I consider it only as an aggravation to the other parts, which, great as the crime is of disobeying the orders of the act of Parliament, great as the crime is of perverting and evading all the provisions of the act by creating a power unknown to the laws of this country, is a subordinate crime to those he committed in consequence of that delegation. I consider it as an aggravation rather than a substantive part of this charge, and therefore I shall not much dilate upon it.

Other matters alleged in the present charge.

Your Lordships are aware that, from the time of the expulsion of Cheyt Sing, there is far from being an end of this Article, but that there are various other matters alleged in it. I shall say shortly in a few words that my opinion is that, in all those subsequent articles, in everything that related to the capture of Bidjey Gur—in everything that relates to the subsequent imprisonment of Durgbejey Sing—in everything that relates to Mr. Hastings' removal of Jagger Deo Sing—everything happened which might naturally have been expected, and that wicked beginnings had proportionably, as I hope always will happen, calamitous ends.

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One of the honourable Managers with whom I have the honour to act will, upon a future occasion, state that part of the charge to your Lordships, and will aggravate it in a manner that will impress the minds of your Lordships more than anything I can say upon the subject.

To be treated by another Manager.

But, before I finish, I must beg leave to state a very few words for the consideration of your Lordships. I have proved to your Lordships that, by an agreement with Cheyt Sing, Mr. Hastings had no right to exact the five lacs of rupees, but that those five lacs of rupees were exacted in defiance of that treaty. I state that to be a crime in Mr. Hastings. But I state a subsequent part to be a still greater crime; that, when he received them in consequence of his exaction, instead of bearing a favour, a partiality, as he ought, instead of feeling indulgent sentiments to the man who had complied with the requisitions of the Company—I think illegal requisitions, but certainly doubtful and disputable in point of law in the Company—instead of treating him with indulgence, instead of treating him as a meritorious subject, who had cheerfully complied with the demand of the Company in a case where the right was doubtful—he turned over and over in his mind how he should bring him to future resistance and consequently to future punishment; that he took for the means of his oppression the sacred garment of a judge, which aggravates everything he did under that robe and under that character; that he chose, instead of stating it to be a mere extortion, to state it to be the punishment for a crime; and, as he is a more sacred character that decides upon criminals than he who decides between man and man, he took therefore the sacred character of a judge in the most responsible part of judgment—he proceeded to judge with that abominable principle that he was to look for the resources of the India Company in the crimes of an individual—a principle which, the moment it pervaded the mind of the judge, was the cause of a punishment extortionate and unjust; that, when he went to Benares, though everything he saw there—Cheyt Sing's address in person, and his letter to him—were all calculated to soften, atone, appease and conciliate, he perversely considers them as otherwise; and that everything that was calculated to appease and conciliate he states, in the face of reason and the feeling of mankind, to be couched in terms of defiance. All this proves that he did accomplish that which he had designed; that he imprisoned him when there was no colour

Repetition of charges.

22 Feb. 1788. for it; that he exacted this arbitrary fine when there was no ground for it; that he was guilty—I speak the words of others, not my own*—of grinding oppression, tyranny and injustice; that he was guilty of a confusion of the proper proportion between crime and punishment: and if there be one office of a judge more sacred than another, after to do justice, to acquit the innocent and condemn the guilty, it is to proportion the punishment to the crime. For he who annexes great punishments to small crimes, and light punishments to heavy and grave offences, differs little from him who condemns the innocent and acquits the guilty. If half a million is exacted as a punishment for so light a crime as delay of payment of a small sum, it is little better than if the innocent be found guilty; because he who is nearly innocent has a punishment fit only for those that are essentially guilty. On the other hand, if he who is greatly criminal is lightly punished, the object of punishment, which is to prevent the commission of crimes, is lost. Every judge therefore who is guilty of an inattention to the due proportion between crimes and punishments forgets the main part and principle of his duty. If he does it in favour of the criminal and not against him it is something more excusable. But the prisoner at your Lordships' bar has affixed crimes upon Cheyt Sing which never had any existence. And here I beg to recal to your Lordships' mind the state and situation of that man at one view.

Miserable condition of Cheyt Sing.

If your Lordships could have a communication with this unhappy man—if you could inquire into his eventful history and he could relate it to you—what an effect it would have upon your Lordships' minds! Ask him who he was and what he was. He would say—"I was the Raja Cheyt Sing. I was in my own opinion an independent Prince, in the opinion of the Company a vassal of theirs—but a great vassal of theirs, who paid them two hundred and forty thousand pounds annual tribute. I had given me the exercise of criminal jurisdiction in the country; I had given me the coinage of money; I had all the symbols and appurtenances of sovereignty, and I thought to have had a free and uncontrolled sovereignty in my own dominions, subject to obedience and tribute to the Company. That was my situation: what am I now? An exile upon the earth, supported by the charity of those who were formerly envious

* Again referring to Mr. Pitt's speech.

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of my power; without home, without property, without anything but my existence left to me, after having been at least, if not an independent Prince, the first of the British subjects in India."

"How has this happened to you?" He would say he knows not; but that it happened by the arbitrary conduct of the English in that country. You would say—"Don't imagine these things were done unjustly to you." He would tell you—"I thought I was to pay no more than was stipulated in the agreement I had signed." He would be answered—"No wonder you thought so, and it would have been so. You would have been an independent Prince, independent of the sovereignty of the Company; you would have been at this moment reigning at Benares, distributing criminal justice and coining money; you would have been at this moment in the receipt of such a revenue as would enable you to give two hundred and forty thousand pounds annual tribute to the Company—all this would have been so; you would have been in the free exercise of independent and uncontrolled authority in your province or zamindary, whatever it is to be called; all this would be so, but it is now just you should have none of it." "Why?"—"Because you did not observe in your agreement that the tribute you were to pay was to be paid at Benares and not at Patna. You would have had the command of your country and the enjoyment of your revenue; you would have been in the most illustrious and opulent situation of any subject in all the provinces belonging to the British government in that country; but when it was stipulated that your tribute was to be paid at Benares, from that instant you were in the situation of a depraved, degraded, zamindar. Like one you are treated; you are annihilated, exterminated. But you have no right to complain. All this you ought to have known would have been the consequence of paying your tribute at Benares." He would have said—"Good God! what a fine thing is English law and the construction of English law! What a pity that I had not an English lawyer, who would have told me that my existence as a Prince did not depend upon words, easy and intelligible, but that I should have understood that, if the place of my payment was at Benares, the whole agreement was null and void; that I was a slave and they my masters; and that I had no rights or any ground to stand upon in any dispute they might have

Effects of paying the tribute at Benares.

22 Feb. 1788. against me." He would have lamented he had not learned earlier this distinction, which was made for his utter ruin.

If you were to talk with him further upon the subject he would say—"Still this is hard; for, whether I had a right to be exempt from the payment of the five lacs of rupees or not, I paid it, and therefore upon that score no crime can be laid to my charge. Therefore, whatever you tell me of this distinction of Patna and Benares—however unfortunate it was that my tribute was paid at Benares—however my agreements were null and void—however I was a mere zamindar and you were omnipotent—it is hard I should be in this situation; since whatever you asked I gave, whatever you stated me to owe I paid."

Delay in payment of exactions.

The English gentleman conversing with him has been better taught; he would say—"Sir, these things appear so to you, but you are mistaken. It is true you did all these things, and you are not expelled for not doing them; but you are now expelled, not as a measure of government, not for any purpose of the India Company to take the whole of that revenue to themselves—that would be a wicked design in them—but you are now suffering this as the effect of a judicial proceeding, as a fine for your misconduct." "My misconduct!"—"Why, how can you be such an hypocrite as to attempt to conceal it? Don't you know that, when five lacs were asked of you in 1778, you pretended it was with great difficulty you could pay it, and you kept back in 1778 50,000*l.* from the Company for near three weeks; in the year 1779 you kept it back something more than two months, may be; and in the year 1780 you kept it back as much? Do you imagine that keeping back from the Company 150,000*l.*, taking the whole together, for three months, is not a crime for which you are justly expelled your zamindary, for which you are justly converted from something like a sovereign, from one with stipulations in his favour, to one who has no rights at all, and is an outlaw, an exile, and wanderer upon the face of the earth?"

I think he, and those in similar situations in India, would receive little consolation by being informed that all this was done, not to secure to the India Company the revenues of that country, but that it was done as a judicial proceeding, as a punishment for that crime. "Well, but an insurrection happened. I was frightened, terrified, driven away. What was it for?"—"Why, you had to pay five hundred

thousand pounds." "For what?"—"For the crimes which I have specified and enumerated; that is to say, you have delayed paying 50,000*l.* for two months, and you have offered, in a wicked, audacious, manner, so as to make the Governor General lose all patience, five hundred matchlock men instead of five hundred cavalry—a crime which justly merits a fine of five hundred thousand pounds; and if it was not complied with, you justly merit what you have suffered." Would not the inhabitants of that country say—"If this is British justice, let us have Tartarian barbarity, rapine and oppression; for the oppressions of the Tartars, invasions of the Mohammedans, the cruelties of all the tyrants in this country, are not so terrible, are not so intolerable, as British justice in the forms in which you state it." 22 Feb. 1788.

It was said by a great man, that "the finger of the law [King] would be heavier upon them [than the loins of the law]." * It is stated that he said it in another way. I am sure in this case he might say, that the finger of the justice of England, in a judicial punishment for the slightest offence that could be stated to be committed, was an heavier oppression upon him than the direct avowed oppressions, under the name of oppression, of all the Tartar conquerors, of all the Mohammedan invaders and plunderers, that ever ravaged that unfortunate country.

Necessity for retrieving the character of English justice in India.

Let me put this to your Lordships' consideration. You are the first court of English justice in this kingdom: it concerns you more nearly, if possible, than the rest of the subjects of this country. Will you suffer this sample of British justice to be exhibited in India and to have the sanction of your approbation? We are come to a period in which it is in vain to dissemble; we must own the consequences of our decision. There was a period, I admit it, when the affairs of India were so little known in this country, when in the labyrinth of long and tedious volumes the whole was so confused and obscured, that even those who were willing to know found it a task too arduous for moderate and common industry—when those who were willing, acting from their feelings rather than their knowledge—when those who were willing rather to express their gratitude to those who had provided for their relations—could at least

* The second Article of impeachment against the Earl of Strafford charged him with having, at the York assizes, in the eighth year of Charles I., used the following expression, viz., "That some of the justices were all for law, and nothing would please them but law; but that they should find that the King's little finger should be heavier than the loins of the law."

22 FEB. 1788. plead ignorance to their own conscience and lull the feelings which must arise upon their minds from the eventful history of that country, shutting their ears to anything that came from it, except what came in an agreeable and acceptable shape. Such was the case respecting that country, till the indefatigable zeal and industry of one man—or, to express myself more properly, the three distinguishable characters of the English nation—incorruptible virtue, sublime genius, and warm enthusiasm (without which, virtue and genius are insufficient and almost useless qualities to mankind)—these great qualities combined in one individual—have torn the veil of ignorance from the eyes of the public. We can no longer pretend not to know what the virtue, the diligence, the zeal, the enthusiasm, and what the genius of that man have brought before the public, whether we would see it or not; what he has forced upon them in spite of discouragement; what he has forced upon them, with an ardour and zeal that rarely accompany the pursuit of men in any case where there is no personal object to be obtained. He has done this; he has done it greatly and nobly; and his name, if this country regains its fame in India, will go down to posterity as having done the greatest service to this country that ever was done by any man in it. That is with respect to him. With respect to us, to your Lordships, to the public, one consequence has happened—you can no longer plead ignorance. You hear the maxims, you hear the principles, you hear the system upon which British government has been exercised in India. You hear the ideas upon which British juridical and British criminal justice has been distributed in India. Your Lordships cannot pretend not to know. You must now, therefore, come to this alternative—you must be the avengers of or the accomplices in the deeds of Mr. Hastings. You have no other alternative but to punish Mr. Hastings; not with such a punishment as he inflicted upon Cheyt Sing, with a punishment disproportionate to his crimes, but apportioned to them—if such power be within the reach of your Lordships—or, you must declare at once in his favour, and render yourselves accomplices in his guilt by giving your sanction to that iniquitous perversion of justice I have stated.

Consequences of the acquittal of Mr. Hastings.

All judicial punishments are for example, and so are all judicial acquittals. If your Lordships acquit Mr. Hastings upon this charge you will send this out to India—that your idea of the proportion of crimes and punishments is this: that

a short delay in the payment of 50,000*l.*, that an offer of five hundred matchlock men instead of five hundred cavalry, shall be punished with a fine of five hundred thousand pounds, with degradation from dignity, imprisonment of person and expulsion from territory. You must be the accomplices, if you will not take the other glorious character to be the avengers, of those crimes which I have stated to your Lordships. 22 FEB. 1788.

If it be asked—if that pitiful, miserable, illiberal and contemptible, argument, which I cannot find epithets enough to degrade, and to point out the scorn which I feel upon the subject, should be stated to your Lordships—that we are not the wronged, the oppressed—I say, though we are not the oppressed, yet we are the wronged; the British nation is the wronged. Am I to flatter ourselves and the British nation, to tell you that we bear a good character in Europe with respect to our transactions in India? If I did I should indeed most grossly flatter. There was a period when Spain was infamous, as it were, all over Europe with respect to her conduct to her colonies. Why? Because she did not punish the individuals who were guilty, and thereby let it remain a stain and a reproach upon the national character.

Degradation of the country in the eyes of Europe.

We stand at issue now before the great tribunal of Europe and of the world. These are the crimes, I contend, of an individual; but, if you acquit him, they are the crimes of the nation. They stamp the national character in that country, and an Englishman can hold up his head no more with any professions of humanity, of justice, of liberty, or any of those darling virtues which we have been fond to appropriate to ourselves exclusively, in contradistinction from the rest of the world. If there be anything worse than the commission of those crimes—I trust there cannot be—it must be a tribunal that can sanctify them. For, even in the worst of crimes, there is something imputable to the depravity of a single individual. What is done from passion is more easily to be excused; what is done from determined malignity, bad as it is, you still see the source of it in the human heart, because something of malignity is undoubtedly a quality inherent in a great part of mankind; but, upon cool deliberate reason and examination, to sanctify injustice, to uphold tyranny, and to declare British justice to be far worse than any oppression in any country, is fixing an indelible stain upon the character of your Lordships and on the British legislation. They might say, "These men

21 FEB. 1788. talk of their own character; they talk of the constitution of their country, of the mildness of their laws, of the fair chance that every innocent man has upon his trial, and the certainty of conviction of every man who is guilty; but, when facts are laid before them, when crimes are presented to them, they have laid down as a principle, destructive to the character of the English name, destructive of the liberty of every man under the English government in this great empire, that crimes and punishments ought to have no proportion to each other."

The purity of the court concerned in the result of the trial.

I say, to sanctify such crimes is, if possible, worse than to commit them. I speak not in any fear that such things will be done. I know this court. I see the publicity of it. I know that the eyes of this country, I believe the eyes of all Europe, are at this moment upon your proceedings; and therefore, if I had not that high idea of your Lordships which I profess to have, I will venture to say there is no tribunal in Europe which could dare to acquit this man this day, if the facts I state are proved against him; for no tribunal could sanctify injustice of the quality and nature I have described. There is no tribunal which could dare to teach this lesson to all the world:—"We have heard these facts; we admit they are proved; but we say, what is justice in Europe is not justice in Asia. There, whatever the crimes may be, the punishment may be apportioned as the person pleases; especially, if that person thinks resources may be drawn from the crimes of individuals, he may justifiably act upon that principle." Touching upon that, I touch upon another string fatal to the reputation of this country. What made the character of the Spaniards more odious, was an idea prevailing that the gold and silver imported into Europe from those provinces they oppressed reconciled them to the oppressions there practised, and the disgrace that followed that oppression. Take care, my Lords, that this country comes under no such imputation. It is true the India Company come under it, and justly; but if we sanctify, applaud, acquit, these crimes in Great Britain, the world may believe that we are favourable to the crimes, because individuals in the country, and possibly the public itself, may have in some instances derived pecuniary profit from the result of those crimes. We shall then be the very thing with which I charge Mr. Hastings—that odious character of a judge who looks at the conviction of a prisoner as an advantage to himself or an advantage to his country; as a sovereign who looks upon the crimes

of his subjects, not with horror, but as a resource to his exchequer. There is horrid injustice, tyrannical oppression, injustice aggravated by being committed under the specious appearance of a punishment for an offence. There is oppression under every aggravation, being a legal oppression under the name of criminal jurisdiction and that you look for resources for your country in convicting a person whom you ought to judge impartially. 22 Feb. 1788.

I do not say that there are not other crimes in this great impeachment which may be equal to this; but, while my mind is full of this, I cannot see what crime could be fitter produced to show the intolerable guilt of the prisoner—showing the consequences of it by finally ending in the expulsion of the Raja. And, lastly, if you do not find him guilty, and if you do not give a severe punishment (for none else could be pronounced), your Lordships are as guilty as he; and, fearful of becoming the avengers, you become the companions in his crimes, and hold forth a principle to the world incompatible with the honour of the British nation.

Conclusion.

I leave this with your Lordships, with firm and full confidence that it is impossible that you should acquit, and that, when found guilty, the delinquent should not be severely punished; but, with this desire and protest in favour of the Commons of England, that they have shown, by their impeachment of this day and by the instructions they have given me—which I have endeavoured to make known in the speech I have made to your Lordships—that they abhor all injustice; but, of all other, that injustice which clothes itself in the name of criminal jurisdiction is most odious and abominable; that extortions for money are in all respects blameable, but infinitely more so when extorted under the name of a mulct and a fine.

They have proved that these are the crimes, not of the English nation—they are not the national character—they are the crimes of an individual Englishman, whom they wish to punish. But it is for your Lordships to follow their bright example, to do that which will wipe out the stain upon the English character, and will let us lift up our heads in the presence of Europe, and declare proudly to the world in general we have India in our possession, we govern that country upon principles of liberty and justice; and, if crimes have been committed there that throw an odium upon the British name in that country, know all the world these are

22 Feb. 1788. not the crimes of Great Britain but the crimes of Warren Hastings. We have fixed them upon the individual, and exculpated the nation from the blackest stain ever endeavoured to be thrown upon this country.

If I have gone more at length than I should have done it has been from the mode of proceeding which your Lordships have directed us to adopt. I thought it my duty to state fully and at large most of what I conceive applicable to the subject. Much I have omitted. There is much gleaning for any one who would do me the honour to come after; but much I have stated to your Lordships to prove that this is an important Article upon which you should find the prisoner guilty.

Precision in the Articles of impeachment.

One word more—I have heard that a general idea has gone forth of a want of certainty and precision in some of these Articles. I think there is no such want: I think they are drawn in the best way they could be. But, if it is any convenience to your Lordships, I have no difficulty to state that I conceive in this Article there are two distinct crimes—and more than two, as crimes, I do not charge upon Mr. Hastings—I mean, first the exaction of the five lacs of rupees, and afterwards proceeding up to Benares and attempting to exact five hundred thousand pounds, and the consequent imprisonment and expulsion of Cheyt Sing; which I consider as another.

SPEECH OF CHARLES GREY, ESQ., MANAGER FOR THE HOUSE OF COMMONS, IN CONTINUATION OF THE OPENING OF THE FIRST ARTICLE OF CHARGE, RELATING TO BENARES; 25 FEBRUARY, 1788.

My Lords, — I am appointed by the gentlemen who have the conduct of this prosecution to follow the honourable Manager who had last the honour of addressing your Lordships, in support of the first Article of charge exhibited by the Commons against Warren Hastings.

Inferior, my Lords, as I feel myself, to the discharge of so important a duty, I must solicit from your Lordships that candour and indulgence from which I know I may expect every proper consideration. If to this there could be added any more powerful assurance, to support and encourage me on so trying an occasion, it would be my confidence in the goodness of the cause of which I am appointed to stand forth the zealous, though weak and unworthy, advocate.

Parts of the charge assigned to the Manager.

My Lords, the parts of this charge that are more immediately assigned me are those which relate to the acts committed after the expulsion of Raja Cheyt Sing; namely, the plunder of Bidjey Gur, and the subsequent changes made by Mr. Hastings in the government of the province of Benares.

I hope, however, that it will not be thought a transgression beyond the limits of my duty, if I call the attention of your Lordships to some observations with which I shall think it necessary to trouble you on the preceding parts of this charge, rather with a view to recal to the recollection, and by that means to fix more strongly in the memory, of your Lordships what has already been urged by my honourable friend, than with any hope—which would indeed be presumptuous—that by anything I can say I shall be able to add to the force of what has been so fully and irresistibly detailed by him.

Cheyt Sing's independent right to the zamindary.

There is one point to which I more particularly wish to call the attention of your Lordships, because the prisoner himself declared that it embraces the whole merits of the case—I mean the question of right. It is upon this he has

25 Feb. 1788. declared his guilt or innocence ultimately to depend. My Lords, I am willing to join issue with him upon this ground, and to meet him upon the principles which he himself asserts. He says in his Narrative:—

"If Rajah Cheit Sing possessed the zemeedary of Banaris in his own right, and with an inherent and exclusive authority; if he owed no allegiance to the Company, nor obedience, beyond the payment of a stipulated tribute; I am liable to condemnation for exacting other duties from him, and for all the consequences of that exaction; and he is guiltless." *

I here join issue with him, and I undertake to prove that the Raja owed no allegiance to the Company, nor obedience, beyond a stipulated tribute; meaning by obedience a compliance with any exaction which the superior government might think proper to impose; and that Mr. Hastings therefore is liable to condemnation for exacting other duties from him, and for all the consequences of that exaction.

Not derived solely from his predecessor, Bulwant Sing.

To prove this, I shall not think it necessary to trouble your Lordships with any discussion of the rights and tenure of Bulwant Sing; whether he was amil,† or whether he was zamindar; whether he had been a profitable or a dangerous ally to the Company. These are points which I think little material; certainly they are not essential to the establishment of this charge. Such discussions, though Mr. Hastings has thought proper to provoke an argument upon them, as if in them were contained the whole merits of the cause, certainly cannot eventually decide, though they may serve as powerful accessories to illustrate, the main principle on which this question must turn. That Bulwant Sing was a powerful chief or zamindar, that he did attach himself to the English government in India, that the court of Directors did think him of signal service to their affairs, and that, in consequence of those services, whether supposed or real, he was, by an article in the treaty of Allahabad, confirmed in his possessions and all the rights annexed to them, are points which can be proved by the most satisfactory evidence: but whether he enjoyed the sovereign state of an independent prince, or whether he was nothing more than a mere tenant at will, subject to the unrestrained power of a barbarous tyrant, will not affect the rights of Cheyt Sing, which were established on the positive security

* "Narrative of the Insurrection," &c., p. 11.

† A farmer of, or contractor for, the revenue under the native system.—Wilson's *Glossary of Judicial and Revenue Terms.*

of grant or compact, perfectly sufficient for the establishment of this charge. For I do not expect to hear it averred, even in the political creed of Mr. Hastings, that what we had given we had a right to resume, merely because we had given it; the terms on which the grant had been made having been observed by the party more immediately bound by them with the utmost punctuality and the most perfect good faith. 25 FEB. 1788.

Secured by treaties.

But, my Lords, Raja Cheyt Sing held his territories, and all the rights annexed to them, upon other principles and by another tenure than the mere generosity and good-will of the British government. He held them under the solemn sanction of repeated treaties—of treaties which had bound the former sovereigns of Benares, and which, on the transfer of the svereignty to the India Company, were confirmed beyond all possibility of dispute. I have only to show what Mr. Hastings' own construction of the rights of the Raja was under these treaties: and if I can prove that, even in his opinion, the Raja was to be exempt from every additional demand, and subject to no authority, and bound to no extraordinary duties beyond the payment of a stipulated tribute, there can, I think, be little doubt as to the question of right on which Mr. Hastings himself has declared his guilt or innocence ultimately to depend.

Mr. Hastings' statement respecting Cheyt Sing's rights.

Mr. Hastings says in his Narrative :—

"On the succession of the Nabob Assof-ul-Dowlah, the rights of sovereignty which were held by him over the zemeedary were transferred by treaty to the Company. Those rights were indisputably his, and became by his alienation of them as indisputably the Company's; and every obligation of fidelity and obedience which is due from a zemeedar to the superior magistrate by the constitution of Hindostan became as much the right of the Company from Cheit Sing as it had been due to his former sovereign, with the additional ties of gratitude for the superior advantages which he was allowed to possess with his new relation. The unexampled lenity of our government, in relinquishing to him the free and uncontrouled rule of his zemeedary, subject to a limited annual fine, and the royalties of the mint, administration of justice and police, ought to have operated as an additional claim on his fidelity; but evidently served to stimulate his ambition, and perhaps to excite in his mind an opinion that he possessed an inherent right of self-dependency." *

Definition of rights of sovereignty exercised by the Company.

I must beg your Lordships to bear in your minds—for the fact is material—this one circumstance—that Mr. Hastings claims no power which the former Mohammedan sovereigns of Benares had not. "The rights of sovereignty were

* "Narrative of the Insurrection," &c., p. 8.

25 FEB. 1788. transferred to the Company." True, they were so: but let us examine a little what those rights of sovereignty were. In the instructions sent to Mr. Bristow, relative to the treaty concluded with Asoff-ud-Dowla, in 1775, they are declared to be little more than a nominal authority, and therefore it is supposed the Wazir can have no objection to cede rights which are of so little advantage to him. But Mr. Hastings probably will object to that, as being an opinion expressed in a letter written by the directions of the majority of the Council on a subject he had uniformly opposed with all his influence, which opinion therefore cannot be binding upon him. But, my Lords, that is not my only dependence. I have Mr. Hastings' own authority to prove that the rights of sovereignty were not to interfere with the rights of the Raja, when, in the year 1773, he interfered to prevent Suja-ud-Dowla from seizing the forts of Bidjey Gur and Luttee-poor, and from exacting ten lacs of rupees over and above the stipulated tribute. It then appeared that the Raja possessed certain rights which were not on any account to be invaded; though, at that time, every argument of political expediency—that reprobated argument of expediency, which the learned Counsel told us the other day was the foundation of all bad precedents and the source of all injustice (but, bad as it is, if he deprives Mr. Hastings of that argument I fear he will deprive him of the greatest part of his defence)—every argument of political expediency favoured the purpose of the Wazir, who was at that time engaged in a war with the Mahrattas, and was on the point of entering into a new one, in conjunction with the British government, for the noble and generous purpose of extirpating the Rohillas. But these rights of sovereignty did not confer on Asoff-ud-Dowla, who succeeded in 1775 to the government of the province of Oude and to the sovereignty of Benares, which was then annexed to it, the right even of levying a part of the tribute in advance. Mr. Hastings himself interfered to prevent the Nawab Asoff-ud-Dowla levying five lacs of rupees, only in advance of the stipulated tribute, though for the purpose of making good a payment to the Company; and authorised Mr. Bristow, then Resident at Lucknow, to declare, that the rights of the Company's dependents were not to be infringed upon; that Raja Cheyt Sing was to be considered in that light; that the Wazir must expect to see him protected, for he was not to be put on a footing with his other zamindars. He was then, it seems, upon a footing some-

thing better than that of a mere zamindar, when the administration of justice had not yet been conferred upon him, and when he was not invested with the symbols of sovereignty, the profits of the mint, and the administration of justice and police. 25 Feb. 1788.

Exacting tribute in advance, an infringement of the Raja's rights.

But what I wish your Lordships more particularly to observe is, that the levy even of a part of the stipulated tribute in advance is here considered as an infringement of the rights of the Raja, which the Governor General and Council, as guarantees of those rights, could by no means suffer. *A fortiori*, we, succeeding to the sovereignty on the same terms as Asoff-ud-Dowla, could not have a right to levy any extraordinary sums beyond the stipulated tribute.

But "Every obligation of fidelity and obedience, which was due from a zemeedar to the superior magistrate by the constitution of Hindostan, became as much the right of the Company from Cheit Sing as they had been due to his former sovereign." This too I acknowledge. Every obligation of fidelity and allegiance which was due from Cheyt Sing to his former sovereigns certainly became, by the transfer of the sovereignty itself, in like manner due to whoever should succeed to that sovereignty. But here let us again inquire how far these obligations of allegiance and fidelity were due to his former sovereign. I answer, so far as he was bound to a regular payment of his tribute, and a strict observance of his engagements. Beyond this, every kind of demand and every species of exaction, even of a part of the stipulated tribute in advance, was considered as an undue exercise of an illegal power on the part of the Wazir; in fact, a power which he had not, and which we therefore, succeeding to the sovereignty on precisely the same terms, could not with any colour of justice exercise or claim: but least of all could we pretend to any power which we had ourselves declared not to be vested in him, to be contrary to the faith of treaties or engagements, call them which you will, and had therefore prevented his exercising.

Pretended claims upon Cheyt Sing's gratitude.

But to these obligations of fidelity and allegiance were joined "the additional ties of gratitude in the relation in which the Rajah stood to the East India Company." Gratitude for what? "For the superior advantages which he was allowed to possess with his new relation." What were those superior advantages? "A free and uncontrouled rule in his zemeedary, subject to a limited annual fine, and the royalties of the mint and administration of justice and

25 Feb. 1788. police; which ought to have operated as an additional claim on his fidelity." Here then we have a double confirmation of what was already confirmed beyond all possibility of doubt or hesitation, and further evidence, furnished us by the accused himself, to prove what was already incontestibly established. The Raja possessed, not only all the rights of a free and uncontrolled authority in his zamindary, which he had enjoyed under his former sovereigns, but he possessed them with the superior advantages which the unexampled lenity of our government had bestowed upon him—he possessed them subject to a limited annual tribute, with an exemption from every other species of exaction. Those rights were acknowledged by Mr. Hastings himself, confirmed and enlarged by additional royalties, an extended jurisdiction, and, I wish I could have added, the superior good faith and humanity of the government on which he was in future to be dependent. But, my Lords, what the unexampled lenity of the English government had given him, the unexampled perfidy of the Governor General resumed; and not only resumed that which, though our free gift, could not with justice be resumed, but he destroyed and trampled on those very rights which he had himself declared to be beyond the power of the superior lord, and peculiarly sacred from all violation.

Principle of arbitrary exactions not justified by feudal law.

But, my Lords, waiving the particular circumstances in which Cheyt Sing stood in his relation to the English government, let us examine a little how far this principle of levying any sum that the discretion of the sovereign might think it necessary or expedient to impose on his vassal is justifiable, according to the principles of the feudal law. For this is one of the arguments maintained by Mr. Hastings, as well as by some others, that, the constitution of the Hindustan governments nearly resembling our old feudal institutions, the vassal may in the same manner be called upon in times of extraordinary emergency for extraordinary aids; that Cheyt Sing stood precisely in that predicament, and, the public exigency of the moment making the demand necessary, as news of the war with France had just been received at Calcutta, it was justifiable, according to the acknowledged principle of the feudal law.

In the first place, I deny the necessity—at least at the time the first demand was made. That, however, has already been observed upon to your Lordships; and it will be fully proved, under the handwriting of Mr. Hastings himself, that,

in his opinion at least, no such necessity existed. But, my Lords, allowing it to have existed in the full extent in which Mr. Hastings pretends it did, I should still argue that his particular conduct to Cheyt Sing was perfectly unjustifiable, even according to the loose principles of the feudal institutions. I allow that by those institutions the vassal was bound to perform certain services, in consequence of which he enjoyed the best security both for himself and his property that could be had in those times under the protection of his superior lord. He was bound to accompany him with a certain military force in time of war, and to pay him a stipulated rent in time of peace. But, my Lords, those services were by no means indefinite; they were precisely marked in the terms of his tenure. Even those extraordinary cases in which the safety and honour of the kingdom were immediately involved, and in which, therefore, some extraordinary contributions might be expected—even those extraordinary cases were themselves specified; namely, the captivity of the King, the marriage of his eldest daughter, and the knighting of his eldest son. According, therefore, to the acknowledged principles of feudal law, the demand of any extraordinary sum, beyond that which was specified in the terms of his tenure, could not be authorised: and even upon this ground, which seems to have been chosen as a peculiar stronghold by Mr. Hastings, the demand of any such sum from Cheyt Sing —no such case having been specified in the terms of his agreement; on the contrary, it having been expressly provided against—cannot, by any mode of reasoning that I can conceive, ever be justified. 25 Feb. 1788.

But, my Lords, much less can it be justified when we consider that, by no law and by no institution, neither feudal nor any other, with all his wild ideas of the despotic institutes of Tamerlane and Genghis Khan, under no law, could it ever be deemed competent for the sovereign to make a partial, perhaps a vindictive, selection of any rich and powerful individual, to impose on him such part as he might think proper of the public burdens, without making a proportionable equitable division of them, according to their different abilities, among all the classes of his subjects. I think therefore there can be very little doubt as to the question of right; and I, for one, shall not hesitate to urge this conclusion, established by Mr. Hastings himself, that he is "liable to condemnation for exacting other duties from Cheit Sing, and for all the consequences of that exaction."

25 FEB. 1788.

Crimes charged against Cheyt Sing, justifying forfeiture of his rights.

But certain crimes were alleged against Cheyt Sing, which crimes might imply a forfeiture of his rights. Mr. Hastings says, our bounty to him had "evidently served to stimulate his ambition, and perhaps to excite in his mind an opinion that he possessed an inherent right of self-dependency;" and that this manifested itself in an intention to rebel and a preparation to throw off his allegiance to the British government. Let us examine in what this and other charges against him consist.

Delay in paying extra tribute.

The first charge alleged is his delay in the payment of the extra five lacs, by which ruin was nearly brought on the detachment under Colonel Carnac. The demand being unjust, not only the delay but an absolute refusal of the demand cannot be criminal, if it had existed: but to that there is a plain and distinct answer, an answer given by Cheyt Sing himself:—"The remitting of this to the army did not depend on me. If any delay happened on this head I could not help it. If, besides the payment of the money, the remittance of it also to the army had rested with me, a delay of this kind should not have happened." Your Lordships have already been told that a considerable sum had been paid to the Resident; that it had lain in his hands idle and unemployed, and had never been ordered to be remitted to Colonel Carnac; or, if it had been ordered and not remitted, it was owing to the Resident's negligence that it had not been remitted. This charge therefore will be thoroughly refuted by the evidence which we shall produce, and I shall not trouble your Lordships with any further observations upon it.

Mal-administration of his country.

There is a second charge: but neither upon that will it be necessary for me to trouble your Lordships much at length; as Mr. Hastings himself, although he put it in, probably to swell the catalogue of the Raja's guilt, has declared he did not act upon it—that was, the want of police and the mal-administration of affairs in his country; that robberies and murders were daily committed; "that the relations and dependents of the Raja, or the merchants, whose credit was useful to him in the payment of his revenue, might violate the rights of their fellow-citizens with impunity; and the sacred character of a brahman, or the high rank of the offender, were considerations which stamped a pardon on the most flagitious crimes." This is a heavy charge, if it were true; but that it was not true I can prove by that same letter in which the charge is made, where Mr. Hastings tells us that persons who had acquired independent fortunes in

other parts of India came to Benares to enjoy them in the peaceful shades of an holy retirement. They came to enjoy them in quiet—in a spot famed for licentiousness, and where from the outrages that were daily committed there was no security either for person or property. 25 FEB. 1788.

Refusal to supply cavalry.

There is a third charge; namely, the refusal to supply the cavalry which Mr. Hastings demanded. But neither can I think Cheyt Sing criminal in this respect. I must here again remark, that the demand was unjust, and such as Mr. Hastings had no right to make. But, arguing from his own account of it, let us see how the case stood. Mr. Hastings first demanded two thousand, then fifteen hundred, afterwards one thousand. To this last demand Cheyt Sing made an offer of five hundred cavalry and five hundred matchlock men. Mr. Hastings did not think proper to make any answer to this offer: and, till Cheyt Sing could know whether it was accepted or not, he can hardly be said to have absolutely refused compliance or to have merited any censure or punishment, at least such punishment as Mr. Hastings thought fit to inflict.

Disposition to rebel.

There is a fourth charge; namely, a disposition to rebel and throw off obedience to the British government. That, however, is clearly refuted by the small number of troops Mr. Hastings took with him to Benares. And although he declares upon oath in his Narrative that he thought Cheyt Sing entertained such designs, yet in his defence before the House of Commons he says he never had any such suspicion.

Suspicion of inheriting great wealth.

These charges, therefore, my Lords, I think cannot be considered as of any great weight. But, unfortunately, there is another charge alleged against Cheyt Sing by Mr. Hastings; and that I fear it will be more difficult to refute: of that I fear I shall be obliged to acknowledge him guilty. He says, in enumerating these different instances of criminality in Cheyt Sing, "It was reported that he had inherited a vast mass of wealth from his father, Bulwant Sing, which he had secured in the two strong fortresses of Bidjey Gur and Lutteepoor, and made yearly additions to it."* This indeed was a grievous fault, and grievously has Cheyt Sing answered it. This was a fault which neither the public exigencies of the Company nor the private rapacity of Mr. Hastings could suffer him to pardon. He says, "Possibly it may be suspected—and may God forgive those who know me and

* "Narrative," p. 7.

25 FEB. 1788. countenance the suspicion; I have no title to an exemption from it with others—that I was influenced by a secret and mercenary interest." *

Mr. Hastings influenced by rapacity and mercenary interest.

My Lords, in the first place my thanks are due to Mr. Hastings for having included me in this anticipated prayer for forgiveness. I believe I do know him; and it is from that very knowledge of him and his principles that I not only suspect but accuse him of such mercenary interest. He goes on to say:—

> "I have heard of the practice of holding out the terrors of authority and the denuntiations of disgrace, dismission and war, as the instruments of private rapacity. Though the charge, if true, is capable of positive conviction, yet I know of no direct evidence which could refute it if it were false; for no one can be conscious of the recesses of another's mind." *

My Lords, I will tell him how it might have been refuted if it were false. It might have been refuted by entering upon the consultations and the minutes of the Council, as it was his duty to do, his intentions and the avowed principles upon which he designed to act. If the crimes of Cheyt Sing were notorious, if the principle of converting his contumely into a benefit for the state—a wicked and atrocious principle, and such an one as your Lordships will not countenance—but if it be, as Mr. Hastings says, a principle fit to be acted upon, he ought to have recorded it upon the consultations. He would then have had a fair and indubitable appeal, by which he might have refuted, if false, any charge of a secret, mercenary, interest that might be alleged against him. But he says he did not enter it upon the consultations, nor did he think it necessary so to do, because this plan of the fine was not a fixed plan, but to be regulated by circumstances, both as to the extent of it and the mode.

Object of his journey to Benares concealed in his minute.

My Lords, if he did not enter it upon the consultations because it was a thing indefinite and not fixed, and only, as he afterwards tells us, a speculative resource, why then did he enter a false and evasive minute, which he might afterwards alter and put such a construction upon as he pleased? The avowed intention of his journey to Benares was to "improve the interest the Company had in that territory, and to form such arrangements as were fit and consistent with the mutual engagements subsisting betweenthe Company and the Rajah." This he entered on the minutes of the Council as the

* "Narrative," p. 12.

object of his journey to Benares; and he afterwards tells us that, Cheyt Sing having been guilty of certain crimes, he thought his proceedings perfectly consistent with the mutual engagements subsisting between him and the Company, and that this plan of the fine was the very improvement of the Company's interest to which he alluded in his minute. Perhaps, if Cheyt Sing had bid up to the expectations of Mr. Hastings at his own sale, and that fatal event afterwards had not happened which destroyed all measures between them, we might have heard of a very different improvement of the Company's interest, and of very different arrangements made, conformable to the engagements subsisting between him and the Company. 25 FEB. 1788.

It is upon this ground—upon the concealment and mystery attending this transaction—upon the disavowal of his real purpose, and the assigning a false and evasive intention—it is upon this ground that I do accuse him of mercenary interest. He could have none but a mercenary interest, or some other equally corrupt and fraudulent intention. But when to these circumstances of concealment and mystery is added prevarication in the different defences he has given, it amounts to a great deal more than suspicion. "*Quos Deus vult perdere prius dementat*" is an old and established maxim. It has been principally established by the prevarications of the guilty, by which they have themselves afforded the means of their conviction when all other evidence has failed. If ever there was a striking proof of that maxim it is to be found in Mr. Hastings, whose contradictions, inconsistencies and prevarications, are not less numerous or less various than the crimes with which he is charged. They enable us in many instances to trace his windings and detect his iniquities, when perhaps it might have been impossible by other means to trace or to detect them.

Mr. Hastings' prevarication.

At the time he wrote this Narrative there was an imputation of one motive against which it was particularly necessary to guard. Perhaps, conscious that it was his real motive, he might think—as guilty people generally do—that the eyes of all mankind were directed to that point in which he was most criminal. To prove he was not actuated by any corrupt interest, he tells us that, before his departure from Calcutta, he tied himself down to a decided process and series of acts. "Is it likely or morally possible," says he, "that I should have tied down my own future conduct to so decided a process and series of acts, if I had secretly intended

25 FEB. 1788. to threaten or to use a degree of violence, for no other purpose than to draw from the object of it a mercenary atonement for my own private emolument?" Then this fine was not to be regulated by circumstances; it was not a speculative resource; it was fixed and unalterable. The ability of the Raja to pay was notorious, his crimes equally notorious, and Mr. Hastings had tied him down to a decided process and series of acts by communication with his colleague in the government, Mr. Wheler, and his two confidential agents, Major Palmer and Mr. Anderson. But he knew that nothing could have tied him down but the entering his intention on the consultations; which, if fixed and irrevocable, as in his Narrative he tells us it was, he ought to have done, but which he now justifies himself for not having done, it being necessary to defend himself against the accusation of a breach of duty, by assigning reasons directly contradicting those he then assigned, when it was more immediately necessary for him to defend himself against the imputation of a corrupt motive.

Offer of the Nawab of Oude to purchase Benares.

There is another circumstance attending this transaction which proves that Mr. Hastings has indeed heard "of the practice of holding out the terrors of authority and the denuntiations of disgrace, dismission and war, as the instruments of private rapacity." Your Lordships have not yet been told that he had received an offer from the Nawab of Oude for the purchase of these territories, and that this was one of his plans for the improvement of the Company's interest. He says he had never an intention of accepting such an offer, but that if he held out such an intention it was only *in terrorem*. For once I believe him; for I believe he never received any such offer; nor will your Lordships think it probable that the Wazir, who was at that time pennyless and negotiating for the sale of part of his dominions to the Company, should offer to purchase other parts of the British dominions. I believe it was held out *in terrorem*, to prevail upon Cheyt Sing to bid more largely for his pardon: and, as it was Mr. Hastings' avowed intention to inflict exemplary punishment or make him pay largely for his pardon, I am justified in that belief. These were the designs and such the principles with which Mr. Hastings proceeded to Benares.

The Raja's expressions of submission purposely misconstrued.

The Raja met him on the way, meaning to show him every possible mark of respect and attention, with a numerous attendance. So unfortunate, however, was this unhappy prince, that everything he did—his submissive and

humble letters, disgusting by their abject meanness, but which Mr. Hastings terms offensive in style and unsatisfactory in substance—that not only those were construed into a defiance, but this mark of his attention and respect was construed also into a proof of a premeditated scheme of rebellion. 25 FEB. 1788.

"At Buxar, Rajah Cheit Sing paid me the customary duty of respect, by advancing to that place, which lay nearest to the boundary line of his zemeedary. He brought with him a great fleet of boats, which, as I afterwards learned, were crowded with two thousand armed and chosen men. This circumstance was noticed by many of the gentlemen who accompanied me, and was certainly a deviation from the established rules of decorum; not only such as are observed from vassals to their superiors, but even such as pass between equals." *

Equals! Superiors! He! Mr. Hastings the superior of Cheyt Sing, an independent Prince, possessed of the government of a country affording an annual revenue of between four and five hundred thousand pounds sterling, and containing nearly two millions of people! But, my Lords, I think it will not appear very probable that Cheyt Sing could have any such design as Mr. Hastings affects to impute to him; for, if he had, he would not have trusted himself in the power of Mr. Hastings.

The Raja delivers himself into Mr. Hastings' power.

The first thing he did, though he came with these two thousand men ready prepared for open rebellion, was to go and meet Mr. Hastings on board his own pinnace, unarmed and undefended, and to surrender himself entirely into his power. Of the conversation that passed in the pinnace Mr. Hastings says he kept no minutes, because it formed no part of his plan. I believe it did not; neither did the patient submission of the Raja form any part of the plan. In that interview he affirmed his allegiance to the Company with the most solemn protestations, accompanied with a circumstance of proof which ought to have been satisfactory to a mind less obdurate than that of Mr. Hastings. He placed his turban on his knee; an action which denotes in that country the abandonment of life, property, and every earthly possession, to be disposed of at the discretion of the person before whom an act of such abject humiliation is performed. But this did not satisfy him. The Raja's humiliation had only been private, it had only passed on board his pinnace; his private resentment might be satisfied with it, but his pride was not yet gratified. It was necessary that Cheyt Sing should be humbled in the sight of his

* "Narrative," p. 1.

25 FEB. 1788. own people; that he should be degraded and disgraced in the eyes of the world; that all mankind should know that if he was a great prince, Mr. Hastings was a great king.

The Raja forbidden Mr. Hastings' presence, and arrested.

The first thing he did on his arrival at Benares, was peremptorily to forbid him his presence: that alone was an act of considerable disgrace and degradation to the Raja. But, however, this was not enough. It was necessary that he should feel the weight of Mr. Hastings' authority. In order to convince him that he was serious—he must indeed have been incredulous if he was not already convinced that Mr. Hastings was serious—he was put under arrest. To this also the patient man quietly submitted. In the course of this arrest he wrote to Mr. Hastings two letters,* in the same offensive terms and in the same style of defiance with that which I had the honour of reading to your Lordships when my honourable friend opened the first part of this charge. He says:—

His letters to Mr. Hastings.

"At this time Mr. William Markham, being come to me, has informed me that your Highness' orders are that I should remain under a guard. My protector, I before represented to you, on board your pinnace, that I was the servant of the honourable Company, and was ready from my heart and soul. Whatever may be your pleasure, do it with your own hands: I am your slave. What occasion can there be for a guard?"

There are other letters to the same purpose, with which I will not trouble your Lordships. I am sure they must be disgusting to your Lordships, as they are to every good and generous mind.

"From the apparent despondency with which these letters were written," says Mr. Hastings, "I thought it necessary to give the Rajah some encouragement, and accordingly wrote to him the following answer:

Mr. Hastings' answer.

'I have received your two arzees from the hands of Mr. Markham, and understand their contents. That gentleman will wait on you in the afternoon and explain particulars. Set your mind at rest, and do not conceive any terror or apprehension.'"†

This was the consolatory style in which Mr. Hastings wrote to relieve the mind of this unhappy Prince from the terror and apprehension which you will think he had too justly conceived. I do not myself think they were much calculated to produce such an effect. I rather think they ought to have confirmed his terror and apprehensions. He, however, seems to have been willing to receive them in that light, and wrote again to Mr. Hastings thanking him for his goodness, and again throwing himself upon his generosity and his mercy.

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* Printed in Hastings' "Narrative," p. 21. † Ibid., p. 23.

There is a point beyond which human nature cannot brook indignity or suffer insult. Weakness itself by repeated outrages will at last be roused to resistance and endeavour to throw off that tyranny which becomes too intolerable to be endured. 25 Feb. 1788.

The Hindus are the most mild, the most patient, and the most enduring people upon earth. The system of their laws, the form of their government, the tenets of their religion and the habits of their education, all join to confirm in them that mildness, gentleness and humanity, which nature itself seems to have implanted in them as the peculiar and distinguishing characteristic of their disposition. If anything could so far provoke and exasperate such a people as to make them forget those qualities, it would be the sight of any indignity offered to their Prince, to whom they are attached with the highest enthusiasm, not only as their civil governor, but as the head of their religion.

Exasperation of the Raja's subjects.

The first circumstance of his arrest had not failed to produce some symptoms of discontent. Troops of armed men, as Mr. Hastings tells us, had come from the opposite side of the river, and, assembling tumultuously about the palace, had shown some disposition to attempt a rescue. On this account he had sent to Major Popham for a reinforcement, in order to support the guard who were already placed over the Raja; who, it seems, were without ammunition, and incapable of resisting so numerous a body, in case they should be incited to attack them. Though assembled in this manner, however, they had remained quiet, still obedient to the desires and commands of their Prince, though disgraced and in captivity. They did not attempt to molest the guard, and it is probable that they would not have done so, but from a circumstance which at last happened, and which was too great an insult even for their patience to bear. A chobdar, or bailiff, came—a vile wretch, one of the lowest of the people, who, for some crimes of which he had been guilty, had been formerly punished by Cheyt Sing, and who on that account had conceived some enmity against the unhappy Prince—was sent by Mr. Markham with a message to him, and now took this opportunity of procuring himself that malignant pleasure which none but a base and brutal mind can feel—that of insulting a superior already humbled by disgrace and misfortune. He approached Cheyt Sing with this message, while at his devotions, in the sight of his people, and interrupted and reviled him in terms of the grossest abuse and most shocking indignity. This was

The Raja insulted by a person of low character.

25 Feb. 1788. Insurrection of the people.

more than even this patient people could bear. All their best feelings were shocked, and, their superstitious prejudices co-operating with their rage, they could be no longer restrained either by the entreaties of Cheyt Sing or the danger to which they exposed themselves. They broke into the palace; and what follows is, as Mr. Hastings has truly said, a scene of too much horror to be described. The first victim of their resentment was—as he deserved to be—the insolent chobdar. The whole guard suffered the same fate. During the confusion, Cheyt Sing found means to effect his escape; and the reinforcement sent by Major Popham arrived just in time to witness the last groans of their companions, without being able to afford them any relief. Their blood be on his head by whose pride, rapacity and injustice, they were thus wantonly sacrificed!

Answer to imputation of rebellion against Cheyt Sing.

But shall we impute this to any premeditated rebellion on the part of Cheyt Sing? To entertain so absurd an idea, we must first suppose that he was possessed of some familiar spirit who conveyed to him private intelligence of the secret designs of Mr. Hastings, and that, possessed of this intelligence, he waited till this moment of favourable provocation. But if proofs were wanting to show there could not exist any such concert among them, it would be found to be in the very circumstances by which this tumult was provoked and the manner in which it was effected. If there had been any concert or premeditation, would it not have been natural—Mr. Hastings has told us it would have been easy—for them to have proceeded immediately to his quarters, where there was no force to resist them, and they were sure of meeting with no opposition? There they might have broken that magic talisman in which the essence of the British government was contained, and relieved themselves for ever both from the tyranny and the tyrant. But, following the first impulse of their rage, they had broken out and revenged the injury offered to their Prince. He being rescued from the hands of his enemies—for during the tumult he found means to escape through a wicket which opened to the river, the banks of which being exceedingly steep in that place, he let himself down by turbans tied together into a boat which was waiting for him, and got in safety to the opposite shore—they made no further attempt, but flocked tumultuously after him. This is a strong and convincing proof that there could not possibly be any premeditated design or concerted scheme of rebellion. But, if there

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wanted proof, there is still more; for Cheyt Sing, now the mask was thrown off,—that he had it in his power effectually to destroy the British government—for, as Mr. Hastings tells us, there was a general insurrection in his country, all the people to a man having taken up arms in his support—on the very night on which he escaped, wrote another of these contumacious letters to Mr. Hastings, offering to surrender himself, begging him only to spare his life, and declaring that he was his servant in every respect. But Mr. Hastings tells us he considered himself as now engaged in a civil war, and would not listen to any terms. The force he had with him, however, was not sufficient to withstand the rage of a whole country; he was accordingly forced to retire secretly in the night, and get, with what haste he could, to a place of safety—to Chunar.

His offer to surrender himself after his escape.

In the first engagements with our troops Cheyt Sing was victorious, owing perhaps principally to the ardour and superior numbers of his people, and the misconduct, I believe, in some instances, of our officers. But not even by success could his mind be elated; and, with this advantage, he still continued to write to Mr. Hastings letters of the most abject submission. One of these I shall beg leave to read to your Lordships:—

Letter of submission after his first successes.

"When I waited upon your Highness in your pinnace, I represented to you everything which was proper to be represented—that my life, my country and property, belonged to your Highness—requesting that you would order whatever was your pleasure, and that I was ready to obey it with pleasure. I, besides, performed all the duties of obedience and humility, and represented all the particulars with a view to the present time; for I well knew that as soon as Owsan Sing should be introduced to your Highness, Mr. Markham and the moulavies, &c., having settled this plan, would make you conceive displeasure against me. At that time your Highness answered that you had no business with my life or property; that you had not given admission to Owsan Sing or any of his people; that you had no connexion with any of my relations. What crime did I afterwards commit, that by the advice of my enemies you should resolve to confine me with such disgrace? However, I remained until evening in confinement, and behaved in no otherwise than with the greatest humility and obedience. I addressed several arzees, expressing my readiness to obey your orders, and that I was your slave, and was ready with my life and property. Observe that Cheit Ram chubdar came to me, and reviled me, and with a loud voice gave both me and my people the vilest abuse. The people of the Sirkar first fired balls from their guns and discharged their muskets. Immediately the tumult arose, and, notwithstanding my most earnest request for them to desist, no one would hear me. Myself, after being wounded by a sword in the hand of the captain, escaped with life from that imminent danger, and withdrew myself. If you will examine with an eye of justice and not

25 Feb. 1788. listen to talebearers and informers, you will find no crime in me, and your mind, which is the mirror of the world, will I am certain approve of it. I have before addressed arzees to you, but have not yet been honoured with an answer. Owsan Sing has not yet ceased from ruining the affairs. Should now my life and honour be left to me, I am your slave. Beneram Pundit will have represented my situation to you, and will continue to do so." *

In another of these letters he says:—

"Although I have been guilty of no fault, yet the slave is by all means criminal, and the business of the master is to pardon. By the blessing of God, your Highness is the master and is just: let him consider that in all the three battles the army of the Sirkar was the aggressor."†

No answer returned by Mr. Hastings.

My Lords, to these letters, which Mr. Hastings says contained only expressions of slight concern, and professions, but indefinite and unapplied, of fidelity, he thought proper to return no answer. If he had accepted the submission of the Raja, all that horrid scene of blood and devastation would have been spared which afterwards followed, and the measure of Mr. Hastings' crimes would not have been full. His resentment was not to be satisfied but by the complete ruin of Cheyt Sing and the complete devastation of his country.

Reduction of the country by British troops.

This was too soon effected; for the cause of virtue and of right, supported only by irregular troops and a tumultuous though an attached and zealous people, could not prevail against the more regular troops and the more effectual discipline that fought under the banners of injustice and oppression. The whole country was soon reduced, and Cheyt Sing driven out, an exile and a wanderer, to seek for an asylum in the arms of our enemies.

Reflections on the tyrannical conduct of Mr. Hastings.

Such was the unexampled lenity of the English government, and such the superior advantages which were conferred on Raja Cheyt Sing in the transfer of his sovereignty from a Mohammedan prince to the English East India Company—from a barbarian bred up in habits of despotism to the mild and more enlightened rule of a free and civilised people—from a cruel and ferocious tyrant who respected neither the interest of humanity, the ties of engagements or the happiness of his subjects, whose will was his law, and want of power the only restraint upon his will, to a people famed for public faith and a strict observance of all engagements; whose native government is formed on principles the most consonant to the common interests of humanity; where the laws are

* Printed in Hastings' "Narrative," Appendix, p. 106. † Ibid., p. 109.

superior to the will of the sovereign; where the meanest individual has a sure asylum from oppression; and which, [where the government?] by securing all orders of men in the full enjoyment of their natural rights, as far as they can be enjoyed under any system of government, might seem to give that additional confidence and security to the Raja which such principles naturally tend to inspire, if any additional confidence and security were necessary to strengthen and confirm the solemnity of a strict engagement. But Mr. Hastings does not allow that the mild and liberal principles of the British constitution have yet been able to supersede the despotic institutes of Tamerlane and Genghis Khan. No, not the institutes, but the practice of tyrants and usurpers was a rule of government better suited to his genius, and better calculated to carry into effect the base purposes of his corruption. Accordingly, my Lords, this unhappy Prince experienced under an English Governor, unrestrained by English laws, all the aggravated evils of extortion, injustice and oppression. Instead of protection he met with wrong and violence—instead of good faith, the most unexampled perfidy. Instead of a mild and lenient government, the most cruel and afflicting tyranny; and that mind which, in one of the letters I have just read to your Lordships, he calls the mirror of the world, he found to be the mirror of every vice, every wickedness—of pride, avarice, implacability and falsehood. *Quas res luxuries in flagitiis, crudelitas in suppliciis, avaritia in rapinis, superbia in contumeliis, efficere potuisset,*—all these things, to a degree of aggravation and an extent that a good mind cannot conceive or the most patient spirit endure, all these did Cheyt Sing suffer under the merciless grasp of that fell and insatiate tyrant. 25 Feb. 1788.

My Lords, such were the uses to which Mr. Hastings applied that power which he justifies by the examples of Aliverdy Khan and Cossim Ali. The rest of this charge is a continuation worthy such a beginning; for now that there would seem to be left no object for his resentment—that Cheyt Sing had been ruined, expelled, an exile and a wanderer—that everything had yielded to the furious torrent of his rage and his ambition—my Lords, we still see his eye red with indignation, the ministers of vengeance still waiting on his nod, and this unhappy country not yet exempt from the scourge of his oppression.

My Lords, the remaining parts of this charge form such a sequel as might have been expected from such beginnings;

25 FEB. 1788. They are horrid illustrations of the dreadful effects of arbitrary power placed in the hands of wicked men, acquired by bad means and exercised upon worse principles.

Charge against Mr. Hastings respecting the plunder of Bidjey Gur.

The next instance of criminality alleged against the prisoner at the bar, in the Article now before your Lordships, relates to the plunder of Bidjey Gur. This was, as Mr. Hastings has told us, an almost impregnable fortress, to which Cheyt Sing had retired on the rapid success of our arms; but which he afterwards abandoned, taking with him a considerable treasure in money and jewels, on the approach of the troops under the command of Major Popham. The only persons therefore remaining in the fort, when besieged by the English troops, were Panna, the mother of Cheyt Sing, his wife, and the remaining women of the family of his father.

The prisoner is charged with having ordered the seizure of this fort and all the property contained in it, without inquiring whether it belonged to Cheyt Sing or his mother, and without pretending that this woman had been guilty of any crime or of any offence whatever against our government. He is further charged with having stimulated the army to rapine and outrage by the orders given by him for the division of the property found in the fort as plunder. It is also stated, as an aggravation of this part of his offence, that he showed a spirit of insolence and revenge in the orders he gave respecting the Rani; that by giving the property found in the fort to the army he completely failed in that which he avowed to be his purpose, namely, the obtaining a sum of money for the Company; and that he endeavoured to resume, by a breach of faith with the detachments, what he had unlawfully granted them by a breach of duty to his constituents.

Mr. Hastings, in his answer to this part of the charge, admitting all the facts, except the having given any such orders as are stated, by which a spirit of rapacity was excited in the soldiery, says that he was not guilty of any breach of faith with them, or of any breach of duty to his constituents, inasmuch as they had no right to divide the property found in the fort under any authority given by him. How far this denial is founded in truth I shall proceed to show, and on what ground it is that Mr. Hastings expects credit from your Lordships in declaring himself innocent of a charge of which I doubt not but I shall be able to convict him upon the clearest testimony—the testimony of the accused

himself; the principal evidence I shall use being the evidence of Warren Hastings. 25 FEB. 1788.

It is not necessary to detail to your Lordships a long account of our military operations subsequent to the flight of Cheyt Sing. It is enough to say that, after a rapid conquest of the whole country — and how could it be otherwise in a country filled only with irregular troops and defenceless persons, for such were the mighty preparations Cheyt Sing had made for his intended rebellion?—Major Popham advanced to Bidjey Gur. It appears that, soon after the place was invested, Panna offered to capitulate. Her offers, however, were so unreasonable that they could not be accepted; and it was not till after she was reduced to all the extremities and hardships which persons who are besieged usually suffer that she wrote a letter to that respectable character of whom your Lordships have heard— Cantoo Baboo, the banya of Mr. Hastings — beseeching him to sue for safety and protection for her person and honour. In consequence of this letter Cantoo was despatched to the fort; articles of capitulation were soon agreed on; and the troops of Major Popham took possession of the place.

Circumstances of the capture of the fort by Major Popham.

It was in consequence of this that Mr. Hastings wrote two letters to Major Popham relative to the conditions to be granted to the Rani, and granting to the detachment as a reward of their services all the property that might be taken.

Letter of Mr. Hastings to Major Popham on the conditions to be granted to the Rani.

It is on the authority of these letters, supported by some oral testimony which at a proper period we shall produce, that we accuse Mr. Hastings of having stimulated the army to rapine and outrage. These letters will be read in evidence.* I shall therefore only trouble your Lordships with such parts of them as will tend to make the matter clear and intelligible.

In the first he says, speaking of the Rani:—

> "I apprehend that she will contrive to defraud the captors of a considerable part of the booty, by being suffered to retire without examination; but this is your consideration and not mine. I should be sorry that your officers and soldiers lost any part of the reward to which they are so well intitled, but I cannot make any objection, as you must be the best judge of the expediency of the promised indulgence to the Ranee."

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* The letters are printed at length in the "Minutes of the Evidence taken at the Trial," &c., pp. 282, 283.

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In the next he says:—

"If she complies, as I expect she will, it will be your part to secure the fort and the property it contains for the benefit of yourself and detachment."

The army stimulated by them to rapine.

It is upon the authority of these letters that we have ventured to accuse Mr. Hastings of having stimulated the army to rapine and outrage. I doubt not it will be thought by your Lordships a sufficient authority to establish and support the truth of this allegation. They carry with them their own comment; for never was there given, I will venture to say never, by a freebooter to his associates, or a captain of banditti to the gang under his command, a more direct instruction to plunder and pillage whomever they may meet, without any regard to age, sex or condition, or the common feelings of humanity: and such were the effects they produced upon this army:—

"The Ranee left the fort attended by 300 women, under the faith of certain articles by which 15 per cent. was to be reserved to her on all the property found in the fort, with a safe retirement for herself and her attendants."

These were the principal articles of capitulation; to these the faith of the British commander was pledged; and if that was not sufficient, it was confirmed by the sacred protection of that awful character, the black diwan of Mr. Hastings.

Licentiousness of the soldiery.

But, my Lords, by neither of these could the avidity of a licentious soldiery, who had already tasted the sweets of plunder, be restrained. The property which had already been found and divided amounted to the enormous sum of 250,000*l.* This treasure, however, great as it was, instead of satisfying seemed rather to have increased their desire for pillage. They did not forget the friendly hint of the Governor General: they were unwilling to be deprived of any part of the reward they had so justly merited, by suffering the Rani to retire without examination. Accordingly, the articles of capitulation were broken; and this

The Rani insulted.

helpless woman—a woman of the first rank in India, to whom, according to the customs of the country, the very sight of man was pollution—this Princess, with the remains of the family of the just and benevolent Bulwant Sing, whom tenderness for their sex and respect for their rank, heightened and increased by that claim which misfortune always has on every good mind, if not a regard for public faith, ought to have secured from every violence, were exposed

to personal indignity—were disgraced in the eyes of their country by a personal search. Even the ornaments of their sex and tokens of the generosity and tenderness of their former lords, the poor remaining pledges of happier times, were torn from them by the rude hands of unrestrained ruffians. Such were the laurels which the British arms acquired in the reduction of Bidgey Gur, which Mr. Hastings tells us had yielded to Major Popham "the peculiar credit of having surmounted all the obstacles which nature and art had opposed to the conquest of two of the fortresses of Hindostan, which had been before universally deemed impregnable."* Take nothing from me, my Lords. I may perhaps exaggerate; but it is not painted in less lively colours by the commander of the British forces himself:— 25 FEB. 1788.

"The Ranee came out of the fort with her family and dependents, the 10th, at night; owing to which, such attention was not paid to her as I wished; and I am exceedingly sorry to inform you that the licentiousness of our followers was beyond the bounds of control. For, notwithstanding all I could do, her people were plundered on the road of most of the things which they brought out of the fort; by which means one of the articles of surrender has been much infringed. The distress I have felt on this occasion cannot be expressed, and can only be allayed by a firm performance of the other articles of the treaty." †

But was Mr. Hastings concerned in this? No; he, good man, gave no such orders as are stated; he did nothing that could excite this spirit of rapacity in the soldiery.

Mr. Hastings chargeable with the outrages committed

My Lords, if you are not now, I trust it will not be long before you become acquainted with these arts, no longer to be duped by that affected sorrow with which he condemns measures which had been owing to his own directions. I charge this breach of the articles of capitulation directly to him—I charge it to have been the natural consequence of the letters, which I assert contain direct and positive orders. The charge appears to me to be so self-evident that I should not think it necessary to observe much upon it, had not Mr. Hastings, by the mode of his defence, made it necessary for me to trouble your Lordships with a few observations. The grounds of his defence are palpable, but as they are only taken upon a construction of words, upon a cavil, upon a distinction between the positive authority of a public order and the confidential declaration of a private intention

* "Narrative," p. 53.

† Letter of Major Popham to Mr. Hastings, dated 12th November, 1781. Printed in the "Minutes of the Evidence," p. 283.

25 FEB. 1788. in a letter, I trust they will not have much weight with your Lordships

Mr. Hastings' letters equivalent to orders.

My Lords, I must first remark, that for the establishment of this charge it is not necessary to prove these letters to have been orders; nor should I think it in any respect necessary to prove that to have been an order in all due form, which certainly was virtually an order, and produced all the effects and consequences that could have been produced by the most positive injunction. But they are stated generally in the charge to have been orders, licences or directions—I give Mr. Hastings his choice of the words; for, whichever they may have been, I shall contend that he was equally criminal. And here, my Lords, I must have recourse to the opinion of Mr. Hastings himself. He, in his Narrative, declares Cheyt Sing to have been equally criminal "whether the excesses committed by his people were authorised by his express order, or perpetrated under the influence of his example and with a knowledge of his inclination." Let us apply this maxim to the point in question. Major Popham, if he did not act under the authority of an express order, certainly did act with a clear and certain knowledge of the inclination of the Governor General; for Mr. Hastings, in the only justification which he had offered of himself in this particular, to take from the letters the authority of orders, says they were declarations of his private intentions. This, my Lords, he admits; and the consequences of such an admission, according to his own mode of reasoning—which for once I think a just one—must be that Major Popham acted, if not under the authority of an express order, yet with a clear and certain knowledge of the intentions of the person to whose authority he was subject; and that therefore Mr. Hastings was equally criminal.

His intentions understood by the army.

To show that this knowledge of his intentions extended to the army, and might produce the same effects on them, I shall call witnesses who will prove to your Lordships that these letters had been communicated to the officers, and were publicly known in the camp some time previous to the surrender of the fort. But, my Lords, they acted also under the influence of example. Lutteepoor had been taken by Colonel Crabb; the property found there divided among the detachment under his command; and to this Mr. Hastings did not object,—probably because his avarice had not been disappointed, by being deprived of so great a sum as was found, contrary perhaps to his expec-

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tation, at Bidjey Gur. But, my Lords, still, allowing these letters to have been only declarations of a private opinion —an admission which I only make in order to show the futility of Mr. Hastings' defence in his own mode of arguing—I shall think him not quite so exempt from all criminality as he seems to imagine the admission of such a plea would make him. That this was only a mean device, afterwards invented to defraud the soldiery, is too palpable; but, in any sense of it, I shall still contend that in this he acted in a manner no less contrary to his own avowed sentiments and opinions, publicly declared on a former occasion, than to his duty as the head of the Company's government in India. And here I shall again arraign Mr. Hastings from his own words. We have, my Lords, a letter written by Mr. Hastings to Colonel Champion in the year 1774, which for this purpose I shall beg may be read.

Previous letters of Mr. Hastings, reprobating the system of prize money.

[*Mr. Adam reads it.*]

"Hitherto every part of your conduct has met with my most entire approbation. But there is one subject which in some measure alarms me. The very idea of prize money suggests to my remembrance the former disorders which arose in our army from this source, and had almost proved fatal to it. Of this circumstance you must be sufficiently apprised, and of the necessity for discouraging every expectation of this kind amongst the troops. It is to be avoided like poison. However, in case any considerable capture should attend your future operations, I think you cannot pursue a better conduct than that which you intended —to determine nothing yourself, but acquaint the board with the circumstances and wait for their decision."*

Here, my Lords, the very idea of prize money is "to be avoided like poison." Having formerly found its way into the army it carried ruin and destruction with it, and must be therefore avoided and discouraged by every possible means. My Lords, I think we may assume, without venturing a great deal, that these letters of Mr. Hastings might propagate at least this poisonous idea in the army; for the declaration of the private intentions, even of a person possessing sufficient authority to execute those intentions, might encourage something more than a bare idea, or even hope or expectation, on the subject. It might give to persons acting under him a pretty reasonable assurance. On whatever ground, therefore, Mr. Hastings may choose to stand for his defence, I will meet him on that ground, and, with his own letters and his own opinions, aided by the first

Review of the argument that the conduct of the soldiery resulted from Mr. Hastings' letters.

* Printed in the "Minutes of the Evidence," &c., p. 291.

25 FEB. 1788. principles of common sense and common justice, undertake to defeat him. For my own part, my Lords, I shall contend that these letters were orders in the strictest sense of the word. And that I trust will be sufficiently apparent from the style and tenour of the letters themselves. For it is hardly possible to conceive any letters to be written in a style more authoritative and commanding than these very letters, which Mr. Hastings now contends to be only the means of a private and confidential communication. The very terms in which the grant of the property is made—"It will be your part to secure the fort and the property contained in it for the benefit of yourself and detachment"—though not containing any order which I suppose it would be very disagreeable for any officer to execute, certainly denote the superiority of a person in command writing to an inferior subject to his authority. But we have a sentence a little below in the same letter which puts the matter out of all doubt:—

> "But, should she refuse to execute the promise she has made, or delay it beyond the term of twenty-four hours, it is my positive injunction that you immediately put a stop to any further intercourse or negotiation with her: on no pretext renew it."

Is a positive injunction an order?—or was this meant to be a sufficient authority for Major Popham to act upon, in the conditions he was to grant to the Rani? It certainly was. The whole letter therefore must be of equal influence: and, were it necessary to prove it to have been the most positive order, I should have little doubt as to the result of your Lordships' decision. Away then with these cavils and distinctions upon words. I will call on any military man—and many among your Lordships are well acquainted with the rules and principles of war—I will venture to ask whether a letter written from any person at the head of an army—for Mr. Hastings had delegated to himself the powers of Commander-in-Chief as well as Governor General and Council — whether such a letter, written by a person at the head of an army to an officer acting under his command, would not be deemed a sufficient authority to make division of property so granted among his soldiers? I anticipate the answer which every fair and candid man must give.

Terms of the charge.

I therefore charge Mr. Hastings with a breach of duty to his constituents, in having granted that property which he ought not to have granted. I charge him with having

stimulated the army to rapine and outrage, as well by these letters as by the actual division of the plunder, by which that idea must have been introduced among them which he himself declares to have been so poisonous and baneful in its consequences. I charge, therefore, all the consequences that followed—the breach of the articles, and the plunder of the Rani—as imputable to him and his wicked instigations.

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So far I have confined myself to the plunder of the fort. But there is another part of one of these letters to which I shall beg leave to call your Lordships' attention:—

Prohibition of any conditions for a provision for the Rani.

"What you have engaged for I will certainly ratify; but as for permitting the Ranee to hold the pergunnah of Kurteek or any other in the zemindary, without being subject to the authority of the zemindar, or any lands whatever, or indeed making any conditions with her for a provision, I will never consent to it." *

My Lords, this seems to convey the authority of an order; but it is not for that purpose that I have now quoted it. To say nothing of the cruelty and insolence of such an order, this severity, which I think could in no instance whatever be justified, was in this a positive breach of public faith. In a proclamation which Mr. Hastings had issued, on the 25th of September, he promises a full pardon and security to all persons who should submit to the British government, excepting only Cheyt Sing and his brother Sujan Sing, and the inhabitants of Gopeagungi, a village where two of his soldiers had been murdered. This full security and pardon, it is clear from the terms of the proclamation itself, must have been meant to extend itself to the property as well as the persons of those who, in consequence of it and with a dependence on the faith of the British government, should submit, and who had not been excepted in the terms of the general pardon. The Rani and all the persons in the fort of Bidjey Gur stood precisely in this situation. No crime had been alleged against them, no affidavits had been taken to prove that they entertained any scheme of rebellion, or that they had any premeditated design of throwing off their allegiance to the British government. They therefore were intitled to every indulgence promised in that proclamation; they had a claim to our protection; they had a right to security, both for their property and their persons. When Mr. Hastings therefore refuses to listen to any terms but those of

* Letter of Warren Hastings to Major Popham, dated 22nd October, 1781. Printed in the "Minutes of the Evidence," &c., p. 282.

25 FEB. 1788. security for the person of the Rani, and will not consent to any conditions for a provision for her of any kind, I tax him, not only with inhumanity and pride, but with the most wanton injustice and the grossest breach of public faith. Compare now this Alexander warring upon women, tearing from an helpless and a venerable Princess the provision of her age, and turning her adrift, destitute and comfortless, upon the world—compare him now with his great original in the camp of Darius, consoling the mother and the wife of the unfortunate Prince whom he had conquered, and by his humanity and kindness making them almost forget that they were captives. We must lament this one instance at least in which the resemblance fails us, and Mr. Hastings falls short of that great character to which he has been so well and so justly compared.

Failure in his object of securing money for the Company.

This then, both as cruel and unjust, as a violation of the feelings of humanity and a breach of public faith, I urge as a considerable aggravation of his offence. But there is another aggravation of it singularly striking—I mean the complete failure of his dishonourable purpose, which he avowed to be that of procuring for his constituents a considerable sum of money—an application to their interests which he has often found effectual to reconcile them to his most unjust measures. In this he completely failed. The only money taken was at Bidjey Gur; and the crimes of Cheyt Sing were converted into a benefit for the detachment who shared the plunder; but to the Company was allotted the disgrace brought on their government by these acts of cruelty and oppression. Even his own predominant avarice was disappointed; nor could the present of a very fine scymitar and some other trinkets, I believe of no great value, sent by the detachment as a peace-offering to propitiate that benign divinity, Mrs. Hastings, and engage her saint-like intercession with this supreme disposer of all good things in India, reconcile him to a measure by which all his corrupt schemes had been baffled and his favourite object destroyed.

His attempts to defraud the army of their booty.

He accordingly endeavoured unjustly to resume what he had before unjustly granted, and to defraud the soldiers of the property of which they had thus possessed themselves; first, by wheedling them into an idea of a loan. They knew him, however, too well to be so duped or to trust to such security. He had then recourse to a court of justice. There the arguments which I have been attempt-

ing to combat appear to have been more successful than I trust they will be in this court, though the cause is not yet finally decided, as I believe it is now depending before the Council. Such were the circumstances as they relate to Bidjey Gur. 25 Feb. 1788.

My Lords, I shall now proceed to the settlement, and the subsequent changes made by Mr. Hastings in the province of Benares. These I shall state to have been no less contrary to true policy and the real interests of the Company than ruinous to the country itself, and destructive of every principle of natural justice. This, my Lords, is a heavy charge; for it might have been expected that, having at last gratified his pride and his resentment by the expulsion of Cheyt Sing and the plunder of his mother, he would have endeavoured to alleviate and soften the miseries and distraction that had torn and divided this before happy province—that he at least would have settled it on such terms as he himself had declared, and it was obvious to all the world, would make it of the most essential advantage to the Company—that he would have introduced some system of government by which its trades, its revenues and its cultivation, might be increased, its happiness protected, and its religion, of which it is the sanctuary, secured against profanation. These things might have been expected from common policy at least, if not from common humanity. But policy and humanity are equally strangers to the head and heart of Mr. Hastings. Without any legal authority to do so—for even by that illegal self-delegation of power, which he had assumed before he left Calcutta, no such power was given him—he took upon him to make an entire new settlement of the whole province. In this settlement he controverted not only every sentiment and principle he had ever maintained with regard to the true policy of securing the sovereignty of Benares to the British government, but introduced an entirely new system, equally injurious to the interests of the Company as destructive to the commerce and welfare of the country itself. In this settlement he considered all the treaties which had subsisted with Cheyt Sing as entirely at an end: the new regulations went to a total abrogation of them, and in his defence upon this Article he says we had no treaties with the state of Benares. That is a discussion into which I shall not enter. I shall not dispute whether Benares was a state or not; or whether or no we had any treaties with it as a state. All I shall contend for is that, according both to

Impolitic and ruinous settlement of the province.

Controverts principle of securing the sovereignty to the British empire.

Abrogates previous treaties.

FEB. 1788. the letter and spirit of those agreements by which he boasts of having secured to Cheyt Sing and his family the first legal property they had in the territory of Benares, it appears—if indeed he did succeed to them, as Mr. Hastings tells us he did because he was the next lineal heir—that the next heir ought to have succeeded him upon the same terms.

"In consequence of the full powers which I possessed from the board for that purpose, I resolved to bestow it," says he, "on the next lineal heir; this was Bauboo Mehipnarain." If he was his heir, then I contend that he ought not to have suffered for the crimes of his predecessor, and that he ought, both according to the letter and spirit of those agreements which were procured by Mr. Hastings himself, to have succeeded to the territory on the same terms on which Cheyt Sing had held it. But Mr. Hastings tells us he was not his heir. I have just read your Lordships a sentence in his Narrative, given upon oath, in which he says he bestowed it upon him because he was the next lineal heir. In his Defence before the House of Commons he says, that not being Cheyt Sing's heir he had no claim of right, and he saw no objection to making the Company's interests his first principle of action.

My Lords, I leave you to settle the point between these contradictions of Mr. Hastings. Whichever may be true, I shall contend that the new regulations were equally unjust. If Mehipnarain was not his heir, whoever was so ought to have succeeded; but at all events the country had incurred no forfeiture by the crimes of Cheyt Sing, if he had been guilty of any. An oppressive imposition therefore upon the country itself must in all circumstances be unjust.

Mehipnaraim, Cheyt Sing's heir, allowed to succeed him, but without revenues.

Let us now see how he made the Company's interests his first principle of action. He says, "The easy accumulation of too much wealth had been Cheit Sing's ruin." Truly said. The easy accumulation of too much wealth had indeed been Cheyt Sing's ruin. "It had buoyed him up with extravagant and ill-founded notions of independence"—how true that is your Lordships have already seen—"which I very much wished to discourage in the future Rajah." If he did wish to discourage such notions in the future Raja it must be confessed that he took pretty effectual means to do so. He conferred on Mehipnaraim the dignity of Raja, it is true, but without power or revenues. He assigned him an allowance of six lacs of rupees, of which he never received

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a shilling. He reduced him to the 'depraved state of a mere zamindar'; or, if there be a more depraved state, according to Mr. Hastings' idea of it, he reduced him to that. He appointed his father guardian over him on account of his youth and inexperience, and made him collector of the province. But to Mr. Markham, whom he continued Resident in defiance of the positive order of the Directors, he gave a controlling authority over both.

Appointment of a guardian.

The power of both controlled by a Resident, Mr. Markham.

I must recall to your Lordships' recollection the principles which Mr. Hastings has maintained about Residents. They were quoted by my honourable friend in his speech upon the first part of this charge. It will not, therefore, be necessary to requote them; but your Lordships know it was this appointment of a person who bore even a distant resemblance to a Resident to receive these revenues at Benares, during a temporary commission, that he foretold, in the spirit of prophecy, would lay the foundation of that evil—that dangerous and impolitic power—that power so pregnant with every mischief—that power so sure to create disaffection and consequent rebellion on the part of the Raja—that power of the consequences of which he was aware, and had opposed by every possible means, but at last so contrary to the natural benignity of his mind and the general mildness of his temper, he was forced "very unexpectedly to exert." All the other propositions he had made for rendering the Raja independent had been voted unanimously. Speaking of the consequences attending the appointment of Mr. Fowke to receive the revenue at Benares, which was the only point in which he was overruled in his defence before the House of Commons, he says:—

Mr. Hastings' views concerning Residents.

"I consider Cheyt Sing precisely what they had made him, a tributary landholder; not what I would have made him, but was overruled,—an independent Prince and powerful ally, placed as a barrier between the Vizier and the government of Bengal. I would have caused the Company's tribute to be received at Patna, within the Company's provinces; they caused it to be received at Benares. I would have renounced the sovereignty of his country; they assumed it. What they assumed fell to my lot very unexpectedly to exert."

What he did he now does in this new settlement. Did he now make the Raja 'an independent Prince and powerful ally, placed as a barrier between the Company's provinces and the government of Oude'? No! he made him that which he falsely asserts his predecessor to have been, a tributary landholder; but upon terms so infinitely grievous, when opposed to those on which Cheyt Sing held his

25 FEB. 1788. territories, that they will not for a moment bear a comparison.

His intentional degradation of the Raja. He now, unrestrained and of his own authority, caused the Company's tribute to be paid at Benares, and not at Patna. He now asserted that dangerous power which before he would have renounced. Why, and for what reason? Not because he was overruled, but because he was obliged to acquiesce in the opinions and decisions of a prevailing party? No; there was now no majority against him. Unhappily for India, two of the great characters which composed that majority were dead, and the third was returned to England.* What will he now, then, urge as a reason for having established the government of Benares on those very terms which he asserts to be so dangerous and impolitic, which in direct contradiction of all his former principles and opinions he now did? He placed at the head of it, as I have already stated, a Raja without power, dignity or revenues. To the naib or guardian he gave the administration of the country, without any efficient power to conduct that administration. The real and substantial power was given to a man of his own confidence,—to the Resident, Mr. Markham. These were the first steps he took for the improvement of the Company's interests. The rest were not more likely to promote them.

Revenues granted away in pensions. The next thing he did, was to grant a considerable part of the revenues he had thus violently and unjustly assumed in pensions to persons who had been useful to him, as he tells us, in the late commotions. This was the second step he took for the improvement of the Company's interests.

Monopolies granted to the Resident. The third, was to grant a monopoly of the saltpetre and opium of the province, together with the mint—which he has himself told us was a symbol of sovereignty, but which he did not give for that reason, I believe, but because it was a place of great profit—to the Resident. My Lords, these were the next steps he took for the improvement of the Company's interests.

Exaction of excessive revenue. The last, was to impose a grievous burden upon the country which it could not bear, and which, though it might,

* The members of the Council of Calcutta uniformly opposed to Mr. Hastings were Colonel Monson, General Clavering and Mr. Francis. Of these, Colonel Monson died in September, 1776, General Clavering in November, 1777, and Mr. Francis returned to England in the year 1780, in consequence of ill health, resulting from a wound received in a duel with Mr. Hastings, fought on the 17th of August of that year.

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according to his own principles, produce for the moment a large sum, must eventually tend to ruin the country and diminish its resources. He insisted upon a clear annual revenue of forty lacs of rupees, or 400,000*l.* of our money. It will be proved that, under the mild government of Bulwant Sing and his successors, this country, when every attention was given to its trade and its cultivation, had never produced more than forty-five lacs of rupees. How, then, was it possible, after the allowances to the Raja, the grant, pensions, the monopolies, and other deductions which I have stated, that it should produce a clear revenue of forty lacs to the Company? It was impossible; and Mr. Hastings seems himself to be sensible that it was impossible; for, in consideration of the distraction and miseries that had prevailed in the province, which having been the theatre of a civil war certainly must be supposed a little deficient in cultivation and in prosperity,—on these considerations he granted for the first year a deduction of six lacs, and promised a deduction, not so great as that of the first year, but a deduction upon the gross revenue of forty lacs at a subsequent period, whenever the Company's affairs should be able to afford it; provided the minister in the meantime was punctual in the distance of his payments of the revenue.

The Raja and guardian deposed.

This revenue, however, could not be produced, and upon its falling in arrear the new Prince and guardian, or minister, was deposed without ceremony, and with as little thrown into prison. The power of making his collections, and enforcing the payment of any balances that might be due to him was by this means taken from him. He was not even allowed to be heard in his defence, although the Rani, and his son the Raja, wrote the most earnest supplications to Mr. Hastings, intreating an inquiry, and throwing the blame which had been imputed to them upon the Resident.

To give your Lordships a fit idea of the nature of these supplications, I will read the letters to your Lordships.

[*Mr. Adam read the copy of a letter received the* 15*th December*, 1782, *and likewise a petition from Raja Mehipnarain.**]

Letter of supplication in behalf of the Raja from the Rani.

"From the Ranee, widow of Rajah Bulwant Sing.

"I and my children have no hopes but from your Highness, and our honour and rank are bestowed by you. Mr. Markham, from the advice

* Printed in the "Minutes of the Evidence," &c., p. 303.

25 FEB. 1788. of my enemies, having protected the farmers, would not permit the balances to be collected. Baboo Dirgbejey Sing frequently before desired that gentleman to show his resentment against the people who owed balances, that the balances might be collected, and to give ease to his mind for the present year, conformably to the requests signed by the Presence, that he might complete the bundebust; but that gentleman would not listen to him, and, having appointed a muteseddy and taveeldar, employs them in the collections of the year, and sent two companies of sepoys, and arrested Baboo Dirgbejey Sing upon this charge—that he had secreted in his house many lacs of rupees from the collections, and he carried the muteseddies and treasurer, with their papers, to his own Presence. He neither ascertained this matter by proofs, nor does he complete the balance of the sircar from the jaidads of the balances. Right or wrong, he is resolved to destroy our lives. As we have no asylum or hope except from your Highness, and as the Almighty has formed your mind to be distributor of justice in these times, I therefore hope, from the benignity of your Highness, that you will inquire and do justice in this matter, and that an ameen may be appointed from the Presence, that, having discovered the crimes or innocence of Baboo Dirgbejey Sing, he may report to the Presence. Further particulars will be made known to your Highness by the arzie of my son, Rajah Mehipnaraim Bahader."

Letter from Mehipnarain himself.

"ARZIE FROM RAJAH MEHIPNARAIN BAHADER.

"I before this had the honour of addressing several arzies to your Presence, but, from my unfortunate state, not one of them has been perused by your Highness, that my situation might be fully learnt by you. The case is this: Mr. Markham, from the advice of my enemies, having occasioned several kinds of losses, and given protection to those who owed balances, prevented the balance from being collected; for this reason, that the money not being paid in time, the Baboo might be convicted of inability. From this reason all the owers of balances refused to pay the malwajib of the sircar. Before this the Baboo had frequently desired that gentleman to show his resentment against the persons who owed the balances, that the balances might be paid, and that his mind might be at ease for the present year, so that the bundebust of the present year might be completed; adding that, if next year such kind of injuries and protection of the farmers were to happen, he should not be able to support it. But that gentleman did not reprove the owers of balances, and with respect to the satisfaction for the present year he said that he could not at this time do it. From this reason so great a balance to the sircar still remains. Besides this, upon the false representations of my enemies, that gentleman said to the Baboo: 'You have secretedin your house several lacs of rupees from the collections, and do not pay the balance to the sircar.' The Baboo requested that this matter might be properly inquired into; but that gentleman, without ascertaining it, appointed a muteseddy and a treasurer from his own sircar for the collections of the present year. Afterwards, on the 4th of Zeheidja, he sent an English gentleman with two companies of sepoys, who put the Baboo under arrest. At the same time he threw the muteseddies and treasurer, with their papers, into confinement, and brought them to his own Presence, and told me that orders had come from the Presence for a new naib, and that I must appoint Jagger Deo Sing naib to furnish the bundebust of present year, and that having settled

this point with the Ranee I should return. I gave him a proper answer, and again went to the Presence of that gentleman, and, conformably to the directions of the Ranee, I said to him that, 'with respect to the naibut of Jagger Deo Sing which he had ordered, I was now myself able to attend and manage the affairs of the sircar, and that the Ranee did not consent to or approve of a naib—that it would have been incumbent on him first to have proved the crime of Baboo Dirgbejey Sing, and then confine him; and that this would have been proper, because, in the room of all the ranks and honours bestowed upon him by the Presence, from the event, disgrace and injury without bounds had come upon him—that now, from the carrying the muteseddies and treasurer, with their papers, to the Presence, no secrecy remained. If this matter should be carried to the proofs, the Baboo is entirely guilty; but in case of his innocence let the guard be taken off, and then the affairs of this year may be fully discussed.' Mr. Markham replied that he would again write this matter to the Presence. 25 Feb. 1788.

"My master, I do not know what he may have written to your Presence. I therefore have represented fully my distressed situation. My only hopes are from your Highness. My honour and rank are bestowed by you. Mr. Markham, having written false complaints to your Presence, has brought me to this situation, and has thrown the concerns of this year into incompletion and ruin. I am therefore hopeful that an ameen may be appointed, who, having inquired into the crime or innocence of the Baboo, may inform the Presence and may compel the owers of balances to pay the balance of the sircar. You have approved of the concerns of the present year being completed by me. Favour me so far as to prevent the injuries and protection of the farmers from that gentleman, and that I may remain firm, conformably to the requests signed by the Presence, that I may complete the malwajib of the sircar with ease."

He demands an inquiry.

My Lords, you have now heard this letter, and the grounds upon which an inquiry was demanded. To these applications, however, Mr. Hastings did not think fit to pay any attention. He had already received accusations from this very Resident, alleging against the minister charges of peculation and embezzlement, which, without inquiry, "for good and sufficient reasons," as he tells us, he believed, and entering into a private correspondence with the Resident—which he did not communicate to the board for some months afterwards, contrary to his duty, upon the plea of his being at too great a distance at Calcutta, although he was only at Nia Sirau, a place not above twenty-five miles distant—he presumed of his own usurped authority to order another change to be made in this government, by the deposition of the present minister and the appointment of another person to succeed to his station.

The application for an inquiry not noticed by Mr. Hastings.

The breach of his duty in not entering these things on the minutes is what I here allege against him as the least part of his crime. What I urge as the great material point is the

25 FEB. 1788. His injustice towards the Raja. inhumanity and injustice with which the whole of this proceeding is marked. For would your Lordships think it sufficient to say, sitting in your judicial character on this solemn process, without any examination of witnesses, any regular mode of inquiry, or any form or appearance even of investigation—would you think yourselves justified to say that you had good and sufficient reasons to believe the allegations of one party against the other, and so, without any farther ceremony, proceed to judgment? So far from doing it yourselves, your Lordships would be shocked at the idea of any other persons acting upon so wicked and flagitious a principle. But yet precisely such was in this instance the conduct of Mr. Hastings. The minister begs to be heard in his defence; throws the blame that is imputed to him on the Resident; and only solicits a fair and impartial inquiry. These complaints are contradicted by assertions on the part of the Resident; and, without further form or process, and without any inquiry or investigation of any kind by which the truth of these assertions could be substantiated, they are to be substantiated for good and sufficient reasons which Mr. Hastings does not even think it necessary to communicate; and so ends the business. He did not even inquire whether the minister was really and truly in arrear or not. Punctuality of the Raja's payments. His former payments had been made with what is thought sufficient punctuality in that country. One month was paid under another; a part even of the last payment had been discharged, and for what remained due, if any did remain—for some was paid after he was imprisoned—he claimed a deduction, which Mr. Hastings indeed refused; but at all events I will prove the amount of the sum for which the deduction was claimed, and which was all that then remained in arrear, not to have been near so great as that by which Mr. Hastings had overrated the revenue.

Second application of the guardian for an inquiry, and his second imprisonment. The minister was released from his first imprisonment, and went to Calcutta again soliciting inquiry. He was again refused; thrown a second time into prison; and his property confiscated to make good a payment which does not appear to have been really due, and which at all events the country could not have borne. Such was the justice of Mr. Hastings, and such the principle upon which he tried, and condemned or acquitted, others. He appoints a man to the administration of a great province in a time of peculiar distress and difficulty; he exacts from him an exorbitant

revenue which the country cannot afford; and because that revenue cannot be punctually paid he throws him into prison, without inquiry, and pursues him even unto death. His life, he says, in one of his letters to Mr. Markham, shall answer for a default of payment: and so it did. He died in confinement soon after the departure of Mr. Hastings from Calcutta, oppressed with all the aggravated miseries of poverty and disease. If such be the punishment due to such an offence, and if a mere deficiency in the payment of a revenue which the country could at no time afford, but which at this particular season, on account of a drought which had prevailed—a circumstance which Mr. Hastings afterwards mentions in the description he gives of the miseries of this unhappy province, but to which he did not think fit to pay attention—could not possibly be collected; taking also into consideration this other circumstance that Durgbejey Sing asserted the arrear to be owing to the fault of the Resident (and as no pains were taken to contradict that assertion we have a right to believe it)—if under these circumstances a delay in the payment of an exorbitant revenue be thought a crime of so deep and flagrant a nature as to merit the most cruel persecution, imprisonment and death, if such be the punishment due to such an offence, to what shall he be doomed who stands at your Lordships' bar, charged—and it shall be proved upon him—with every crime that can disgrace and blacken human nature—with the perversion of the powers delegated to him for the purposes of good government to the most wicked and abominable tyranny—who never left Calcutta, as we are told, but his footsteps were marked with the devastation of a province, the ruin of a people, or the deposition of a Prince.

25 Feb. 1788.

His death.

After this example, held up in terror to whoever might succeed to this dangerous office of which Durgbejey Sing had been thus cruelly and unjustly deprived—after such an example, your Lordships will not think it wonderful if whoever might be next appointed should esteem every other consideration of either the happiness or ease of the people as inferior to that of a punctual payment of the revenue. He would necessarily reason in this manner—"I am accountable to a man who regards no crime as equal to a default of payment. It is true he has imposed on the country a tribute which it cannot bear, but my predecessor, by his lenity to the people, has drawn down the heavy hand of

Reflections on the consequences of these acts.

25 Feb. 1788. cruelty and vengeance upon himself; it must therefore be my care, as I tender the safety of my person and property, not to incur the same penalty. Let the country suffer what it may, the revenue must be collected." Such must have been the reasoning of whoever might succeed to Durgbejey Sing—and such it was. Jagger Deo Sing was appointed by Mr. Markham, under the authority of Mr. Hastings, to succeed him, and acted upon this avowed principle—that the revenue must be collected. Notwithstanding, however, every means that could be devised, every practice of oppression and species of exaction, the revenue was still in arrear. The longer so ruinous a system continued the greater the deficiency must every day grow: and accordingly, at the end of two years that Jagger Deo Sing held the government, he was in arrear nearly double the sum for which his predecessor had been deposed, and the country fell into a state of complete ruin. No language I can use can paint the miserable state to which it was reduced in consequence of these revolutions so strongly as a letter written by Mr. Hastings himself:—

Jagger Deo Sing appointed minister.

Ruin of the country by efforts made to raise the required revenue.

"If the same administration continues, and the country shall again labour under a want of the natural rains, every field will be abandoned, the revenue fail, and thousands perish through the want of subsistence. For who will labour for the sole benefit of others and to make himself the subject of vexation? These practices are not to be imputed to the aumils employed in the districts, but to the naib himself. The avowed principle on which he acts and which he acknowledged to myself is, that the whole sum fixed for the revenue of the province must be collected; and that for this purpose the deficiency arising in places where the crops have failed or which have been left uncultivated must be supplied from the resources of others, where the soil has been better suited to the season, or the industry of the cultivators more successively exerted—a principle which, however specious and plausible it may at first appear, certainly tends to the most pernicious and destructive consequences. If this declaration of the naib had been made only to myself I might have doubted my construction of it, but it was repeated by him to Mr. Anderson, who understood it exactly in the same sense. In the management of the customs the conduct of the naib, or of the officers under him, was forced also upon my attention. The exorbitant rates exacted by an arbitrary valuation of the goods, the practice of exacting duties twice on the same goods, first from the seller and afterwards from the buyer, and the vexatious disputes and delays drawn on the merchants by these oppressions, were loudly complained of; and some instances of this kind were said to exist at the very time when I was in Benares. Under such circumstances we are not to wonder if the merchants of foreign countries are discouraged from resorting to Benares, and if the commerce of that province should annually decay. Other evils or imputed evils have accidentally come to my knowledge, which I will not now particularize, as I hope that, with the assistance of the Resident, they may be in part

Letter of Mr. Hastings describing the condition of the country.

corrected. One, however, I must mention, because it has been verified 25 FEB. 1788.
by my own observation, and is of that kind which reflects an unmerited reproach on our general and national character. When I was at Buxar, the Resident, at my desire, enjoined the naib to appoint creditable people to every town through which our route lay, to persuade and encourage the inhabitants to remain in their houses, promising to give them guards, as I approached and they required it for their protection. And, that he might perceive how earnest I was for his observance of this precaution—which I am certain was faithfully delivered—I repeated it to him in person, and dismissed him that he might precede me for that purpose: but to my great disappointment I found every place through which I passed abandoned, nor had there been a man left in any of them for their protection. I am sorry to add that from Buxar to the opposite boundary I have seen nothing but the traces of complete devastation in every village, whether caused by the followers of the troops which have lately passed for their natural relief—and I know not whether my own may not have had their share—or from the apprehensions of the inhabitants left to themselves and of themselves deserting their houses. I wish to acquit my own countrymen of the blame of these unfavourable appearances, and in my own heart I do acquit them. For at one encampment near a large village called Derrera, in the pergunnah of Zemaneea, a crowd of people came to me complaining that their former aumil, who was a native of the place and had long been established in authority over them, and whose custom it had been, whenever any troops passed, to remain in person on the spot for their protection, having been removed, the new aumil on the approach of any military detachment himself first fled from the place, and the inhabitants having no one to whom they could apply for redress or for the representation of their grievances, and being thus remediless, fled also; so that their houses and effects became a prey to any person who chose to plunder them. The general conclusion appeared to me an inevitable consequence from such a state of facts, and my own senses bore testimony to it in this specific instance. Nor do I know how it is possible for any officer commanding a military party, how attentive soever he may be to the discipline and forbearance of his people, to prevent disorders, when there is neither opposition to hinder nor evidence to deter them. These and many other irregularities I impute solely to the naib; and I think it my duty to recommend his instant removal." *

This is sufficient to give your Lordships an idea of the effect of these different revolutions. There are other parts of this letter which are well worth your Lordships' attention; but, as it will be produced in evidence, I shall not think it necessary now to detail and trouble your Lordships with it.

Your Lordships have heard the description of the effects of these revolutions, given by the Governor General himself. You have heard the sentiments with which the people are actuated at the approach of a British Governor. Instead of flocking to meet their sovereign, to testify their affection for his person and gratitude for his paternal care, as in the times

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* Letter of Warren Hastings to Mr. Wheler and the Council; dated Lucknow, 2nd April, 1784. Printed in the "Minutes of the Evidence," &c., p. 306.

25 Feb. 1783. of Bulwant Sing, they saw nothing in his approach but a gloomy tyrant, coming perhaps to impose new exactions and to add fresh oppressions to his former injustice. They fled at his approach: the villages were everywhere deserted, and the whole country presented to his view a scene of complete devastation. Let us compare this description of the country with that which Cheyt Sing gives of his government, in a manifesto which he published after his flight from Benares. This manifesto was brought over to us and is universally acknowledged to be authentic. I will therefore read part of it to your Lordships:—

Manifesto of Cheyt Sing, describing the condition of his province.

"What have I done to be treated in this manner—to have my treasures demanded, and my fort, the deposit of my family, wrested from me, and my person disgraced and dishonoured? Have I been guilty of injustice or mal-administration in my country? Look to my districts—look to theirs. Do not the different pictures which they present to you mark the limits more strongly than the boundaries which nature itself has drawn out? My fields are cultivated; my villages are full of inhabitants; my country is a garden; and my ryots are happy. My capital is the resort of the principal merchants of India, from the security I have given to property. The treasures from Mahrattas, the Junths, the Seiks, and the most distant nations of India, are deposited here. Here the orphan and the widow convey their property, and reside here without fear of rapacity or avarice. The traveller from one end of my country to the other lays down his burden and sleeps in security.

"But what a different picture do the Company's provinces present! There famine and misery stalk hand in hand through uncultivated fields and deserted villages. There you meet with nothing but aged men, who are not able to transport themselves away, or robbers and tigers in the fields, now overgrown with woods."

Reflections on the ruin of the country occasioned by British rule.

And such now, my Lords, became the picture of Benares; as if the poisonous breath of British influence was doomed to nip the bud of cultivation, and blast the fruits of improvement, in every country to which it might extend itself. This country, which under the mild government of its Hindu princes had been eminent for its riches, revered for its sanctity, and a garden in point of cultivation—this favoured spot, to which the merchants from the most distant parts of India resorted for the purposes of commerce, and the devout for those of religion; where the pilgrim deposited the pious offerings of his zeal and the traveller laid down his burden and slept in security—this country, which the Mohammedan conquerors of the East had respected and left undisturbed in its government, its laws and its religion, which even the more pitiless arm of British violence had hitherto spared—this terrestrial paradise—this seat of peace

and plenty—this land flowing with milk and honey—now became the seat of wretchedness and despair; its Prince was dishonoured and banished; its temples were polluted; its laws abrogated; and its ancient government destroyed. Licentiousness took place of order; military violence subdued all restraint; the people were driven from their habitations; the country itself became a desert; and rapacity and avarice completed the hard work of ruin and desolation. Such were the effects of these revolutions; such the effects, as Mr. Hastings himself describes them; who, as usual, punishes the unhappy instrument of his tyranny for the consequences of those acts for which he alone is accountable. Jagger Deo Sing was in his turn deposed. 25 Feb. 1788.

The results charged upon Mr. Hastings.

But, my Lords, when we hear of evils such as these, it is scarce possible to conceive that they should all arise entirely from the acts of one man. No, not of one, but of many corrupt and abandoned traitors, of whom he stands supreme —he whom, if no regards controlled me, I should not hesitate to call the accursed destroyer of persons, places, provinces—all that were involved in the general devastation. For the sower of the seed must surely be considered as the real author of the whole harvest of mischief. He it was who by an usurped power expelled the native Raja of Benares, under whom the fields were cultivated, the villages full of inhabitants, the country a garden, and the ryots happy. He it was who, after the expulsion of that Prince, introduced a system of government—of government shall I call it?—rather of the most cruel and vexatious oppression, by which "complete ruin was brought upon the country, and famine and misery stalked hand in hand, through uncultivated fields and deserted villages." To him therefore, and to the arbitrary, illegal, unjust and tyrannical, acts, either caused or committed by him, I assert all these horrid consequences to be imputable, and that for all and every one of the same he was and is guilty of high crimes and misdemeanours.

Conclusion.

Having now, my Lords, gone through such parts of this charge as were appointed me—having stated to your Lordships the nature of the facts themselves and the consequences of those facts—I shall leave this cause to your decision.

I have only to request of your Lordships, before I sit down, to believe that I have spoken upon this occasion, if with some warmth—and who is there in reciting acts of such delinquency that would not be actuated with indignation?

25 Feb. 1788 —yet without malice, and with no other view than to rescue the name of Englishman from the foul disgrace with which this man has sullied it; to assert the cause of British justice; and, at the same time, with an ardent hope that this prosecution may eventually tend to afford some consolation at least, if not some positive relief, to the ruined inhabitants of India. *Populata, vexata, funditus eversa provincia, socii stipendariique nostri afflicti, miseri, jam non salutis spem sed exitii solatium quœrunt.*

If in such a case I have spoken in a manner not altogether unsuitable to its importance, I have done as my wishes dictated; if too deficiently, as my abilities would admit. But, my Lords, it is not on my abilities—no, not even on those of my honourable friends who have preceded me—that such a cause can or ought to depend for its support. It is too powerfully upheld by its own merits to require any additional strength from their talents or to fear any debilitation from mine. It is not oratory—it is not genius—it is not an artful construction of phrases, nor laboured deductions of implied criminality from premises obscure and uncertain—from reports unwarranted and ill authenticated—from suggestions of public delinquency and imputations of evil designs, unfounded and improbable—no! the great God of justice forbid that Mr. Hastings should be tried after the principles and precedents of his own practice—it is the clear, the obvious, the incontrovertible, evidence of facts—it is the convincing voice of truth—that gives me the surest ground of confidence in the event of this charge. It is the goodness of the cause itself and the known justice of your Lordships.

SPEECH OF JOHN ANSTRUTHER, ESQ., MANAGER FOR THE HOUSE OF COMMONS, IN SUMMING UP THE EVIDENCE ON THE FIRST CHARGE, RELATING TO BENARES; 11 APRIL, 1788.

MY LORDS,—It is now my duty to address myself to your Lordships, in performing that part which is assigned to me by the Managers of the Committee of the House of Commons, to sum up and to state that very long and very intricate evidence which has been presented to your Lordships by them, in the course of what they have offered upon the head of the Benares charge.

I should feel the duty that is imposed upon me to be infinitely more difficult and laborious had it not been that, from the nature of the evidence itself, the right honourable and the honourable Managers who preceded me had it in their power to comment and observe upon that evidence which they were to produce. As it was mostly in the nature of written evidence, which they had an opportunity of seeing before they produced it to your Lordships, they have necessarily and naturally [so commented]—and happy I am that they have, as they have anticipated many of the observations which would naturally occur upon the stating that evidence, and have thereby reduced the task they had imposed upon me to perform to be less laborious and less difficult than it otherwise would have been.

Your Lordships, I am sure, in reading this evidence, which is now printed and in your Lordships' hands, must have observed, upon the very first view of it, how closely and strictly the evidence applies to the charge, and how completely the evidence which the Commons have adduced upon this charge proves everything which was asserted by the two gentlemen who opened this charge to your Lordships. And indeed it would be almost sufficient to say that everything which they have asserted has been proved to your Lordships by strict legal evidence—evidence admitted because it was impossible that such evidence could have been rejected.

Completeness of evidence produced.

11 APR. 1788.

Evidence derived from Mr. Hastings.

In the course of the evidence, the Commons have produced to your Lordships every account of the transactions respecting Benares which has been given by the person standing at your Lordships' bar, during the whole period of the time while he continued Governor General of Bengal. They have produced the account of the state and situation of Raja Bulwant Sing and Raja Cheyt Sing, which he gave in the years 1772 and 1773, when he finally renewed and confirmed the rights of that Prince, then holding under Suja-ud-Dowla. They next produced the accounts which he gave of the rights and the situation of that Prince, when he again renewed and confirmed them by new grants and new additions in the year 1773 [1775?]. Then they produced to your Lordships another account which he gave of the transaction, in a narrative which he made of his proceedings at Benares—a narrative made for the purpose of justifying the violence and the atrocity of that act. And, last of all, they have produced to your Lordships the account which he gave of the transaction when he chose to come forward, voluntarily and at his own petition and by his own desire, to the House of Commons, to state what he had done, and to justify that measure which, upon the first face of it, appeared to be so violent.

If all these accounts agreed in all the particulars, the task I have would be easy indeed; but, as it happens that every one of these accounts is at variance one with the other, I am afraid I shall be obliged, in the course of what I have to say to your Lordships, to take up some part of your Lordships' time in comparing these different accounts with each other, for the purpose of showing to your Lordships that every justification which has been set up of this measure—every attempt which has been made to palliate it—every attempt which has been made to fix crime upon the Raja—every attempt which has been made to find any justification of any sort for the conduct of Mr. Hastings—was, from his own accounts, within his own knowledge, unfounded, at the very time that such justifications were made.

Evidence respecting the rank and condition of Raja Bulwant Sing.

The first piece of evidence which the Commons presented to your Lordships, after proving the general allegations of the preamble, was applicable to that which properly forms the first branch of the charge—I mean with respect to the situation, the rank, the character, and the first connection of the East India Company with, Raja Bulwant Sing.

Your Lordships must see, from that piece of evidence, that another assertion which was made by the two right honourable gentlemen who opened this charge is strictly founded on the nature of the evidence itself. Your Lordships must recollect they stated that they did not mean to involve you in any questions of Indian law. They did not mean to call upon your Lordships to interpret laws with which you could not be supposed to be so perfectly conversant as you are with the laws of Europe in general and of the laws of your own country in particular. They called upon your Lordships to interpret English treaties, made by an English Governor, under the authority of an English act of Parliament. That is the whole case:—that is all the question which your Lordships have to decide in this cause. Your Lordships will recollect that, upon the first part of the charge, respecting the rights of the Raja of Benares and the situation which he stood in with respect to our government, the first piece of evidence which was produced to your Lordships was a resolution of the President and Council (as it was then called) of Bengal respecting the nature of the alliance, and the situation with respect to our government into which they meant to place Raja Bulwant Sing, in the course of those wars in which we have been involved, and in the course of that war in particular against Suja-ud-Dowla in consequence of the revolt of Cossim Ali Khan.* 11 Apr. 1788.

Alliance of Bulwant Sing with the Nawab of Bengal confirmed by the Company.

In the month of December, 1764, Bulwant Sing, as appears by the first piece of evidence, had made certain offers to join our forces and to enter into an alliance with the then Nawab of Bengal, who was connected with us. He knew the instability of Indian faith, and he would not enter into that alliance with the Nawab of Bengal unless that alliance was confirmed by the English East India Company. The evidence states this — that the Nawab (meaning the Nawab of Bengal) was very anxious that the treaty should be brought to a conclusion, and proposed to the General to set his seal to it upon the part of the English, without which the Raja would not enter into any engagement. This is transmitted by the General to the Council; and he takes the opinion of the Council upon the nature of that treaty which he ought to enter into with him, and upon the stipulations which ought to be made binding upon the English government in that treaty.

* See the "Minutes of the Evidence," &c., p. 10.

11 Apr. 1788.

Guarantee of independence to Bulwant Sing.

I desire your Lordships particularly to attend to that paper; for it is extremely important in this cause that the very first resolution which was made with respect to the Raja of Benares, when we had any idea of entering into a treaty with that people, was a resolution to protect and maintain Raja Bulwant Sing independent both now and hereafter. The very first condition of our first connection with him—the first idea which was then proposed when entering into a treaty with him—was to render him perfectly independent both now and hereafter. In consequence of that resolution, which was communicated to the General, Bulwant Sing and his troops joined the army in the course of the campaign. The consequence of that was, what has been read to your Lordships in the course of this evidence, that the Directors of the India Company, who may be supposed to be good judges of that matter, at the very time and when the treaty was over, declared that Raja Bulwant Sing's joining with them at the time that he did was of signal service, and that the condition which they meant to give him of independence was well earned upon his part. Posterior to that period, Lord Clive, in the year 1765, arrived in Bengal, with those extraordinary powers which were indeed only fit to be trusted to so extraordinary a man. He arrived in Bengal, and he found the government one scene of confusion; he found it engaged in projects; he found it engaged in distant wars; he found it engaged in expensive operations; and, as he describes it himself in one of his minutes, our troops marching half way to Delhi. The first great operation which that great man undertook was finally to fix and settle the political interests of India; and he did it in that treaty which has been produced to your Lordships, called the treaty of Allahabad, which was one of the first pieces of evidence that the Commons produced to your Lordships on this charge.* And I wish your Lordships particularly to attend to that treaty; for you will see the care, the attention and the wisdom, of Lord Clive in that treaty, as applicable to all the different Princes of India with whom we were at all connected. He found, immediately after his landing at Calcutta, that British faith, British justice and British moderation, were in very little respect among the Princes of that country. He wished to plant the root of our dominion deep in justice, in modera-

Treaty of Allahabad negotiated by Lord Clive.

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* Printed in the "Minutes of the Evidence," &c., p. 12.

tion and in magnanimity. To accomplish that great and glorious end, the first object of my Lord Clive was to take hold of that which governs all mankind, public opinion—to take hold of that public opinion by standing forth as the protector of the ancient hereditary monarch of that country, the Great Mogul, then existing in the person of Shah Alum. 11 Apr. 1788.

The next object of my Lord Clive was to give an instance of magnanimity, of moderation and of virtue, that should astonish the nations of Asia with respect to Europe. It was to restore to his dominions Suja-ud-Dowla—the very dominions that we had conquered from him when he was our enemy. But that was not enough; it was not enough to lay hold of the hereditary prejudices of the natives; it was not enough to impress them with ideas of our magnanimity and moderation; it was necessary to impress them with ideas of our good faith and justice. He had an opportunity of doing that by this treaty, and by that very article of that treaty which was read to your Lordships, with relation to Bulwant Sing. By that treaty he carried into execution the original intention which he took, in the year 1764, of rendering Bulwant Sing independent. He made it a special article of that treaty that Bulwant Sing should retain possession of those territories which belonged to him; and he guaranteed those territories by British faith armed with British power.

Bulwant Sing's possessions guaranteed to him by the treaty.

My Lords, I have stated to your Lordships the first resolution of making Raja Bulwant Sing independent. I have shown your Lordships that resolution carried into effect by the treaty of Allahabad under Lord Clive. That treaty gained this approbation from the court of Directors:—

"We approve of what you have done; and we hope that the moderation and attention paid to all those who have espoused our interest in this war will restore our reputation in India, and that the Indian powers will be convinced that no breach of treaty will ever have our sanction."

Then, my Lords, if it had stopped here; if no other treaty had ever existed; if no other act had ever been done by the British government; I say the charge would have been just as strong against Mr. Hastings as it is at this moment; for by the treaty of Allahabad we were bound to protect him and maintain him independent.

But, my Lords, the Commons do not leave their evidence merely upon that. The treaty of Allahabad continued in force for a considerable time, without indeed any attempt

11 Apr. 1788.

Succession of Cheyt Sing on the death of Bulwant Sing.

having been made to infringe it; and, previous to the change of government which took place by the institution of the Supreme Council, Cheyt Sing had succeeded to his father; and, by the intervention of the British government, as your Lordships will see by turning to the evidence, he was placed in the same situation that his father had been: and your Lordships will, in the course of that evidence, remark these singular words. The Council, writing home to their masters here, tell the Directors at home that he is considered as holding his situation exactly upon the same terms that his father did; that is to say, he is holding that situation under the protection and guarantee of that treaty of Allahabad which I have stated.*

Renewal to Cheyt Sing of the stipulations made with his father.

My Lords, so it continued till the year 1773; when Mr. Hastings, having some negotiations to settle and some business to do, which your Lordships will hear of in an after charge, proceeded from Calcutta to Benares; and one of the professed objects of that journey was, as is stated in the very instructions which he gave to himself, to renew in behalf of Raja Cheyt Sing the stipulations that had been made with his father in consideration of his services. I desire that your Lordships would specially mark every word of the paragraph in those instructions; because it has pleased Mr. Hastings to deny every word of that paragraph in the course of some other parts of what I have to state, as your Lordships will see.

Your Lordships see that he went up for the purpose, not of conveying any new right to Cheyt Sing, but for the purpose of renewing his ancient right.

Cheyt Sing's legal title not derived from the articles of 1773.

Mr. Hastings has stated in his Narrative, and stated in his Defence, that Cheyt Sing acquired the first legal title that he had to his situation from those articles in 1773. I quote Mr. Hastings against himself—he did nothing new in 1773; he only renewed, confirmed, those acts which had been already done. It has also pleased Mr. Hastings, in that Defence which is before your Lordships, to state that he did not know what services Bulwant Sing had done to the Company. Your Lordships see that, by the very instructions he gave himself, in the year 1773, he stated that those rights were granted to Bulwant Sing in consideration of those services which, when he comes before the House of Commons, he says he was ignorant of.

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* See "Minutes of the Evidence," &c., p. 37.

11 Apr. 1788.

Having stated the objects of Mr. Hastings' journey to Benares, at least in so far as applicable to the matter of charge before your Lordships, I wish to direct your Lordships' attention next to what Mr. Hastings did when he was in that situation. And there I desire your Lordships to look at those rights which he then granted—to interpret those instruments according to the fair plain sense and plain understanding of the words. Mr. Hastings obtained from the Nawab Suja-ud-Dowla certain instruments in favour of Cheyt Sing. Those instruments bear that no increase of his tribute should ever be demanded. They bear that there should be no deviation whatever from this agreement. They bear—and Mr. Hastings countersigns them according to the treaty of Allahabad—that there never should be any breach or deviation. Words cannot convey ideas stronger than these do—confirming, ratifying, guaranteeing, over and over again, the rights which were granted originally by the treaty of Allahabad. There was to be no deviation; no increase whatever was ever afterwards to be demanded; and there never should be the least breach in this agreement. What was that agreement, my Lords? It was an agreement to pay a certain specific sum to the Nawab of Oude—a specific sum and nothing else: it contains nothing else.

Conditions granted by the treaty of Allahabad confirmed by the Nawab.

Now let me call your Lordships' attention to a paper, which I shall be obliged to have recourse to again and again, referring your Lordships back to it as I come to the particular parts of the evidence which will require such reference—I mean to the paper which is called Mr. Hastings' report of what he himself had done.* He says in that paper that the Nawab of Oude had granted to Raja Cheyt Sing, upon the death of Bulwant Sing in the year 1770, a kaulnama exactly of the tenor of that which was then granted; that the Nawab himself thought his act of little validity; but Mr. Hastings, at that moment feeling all the force and operation of the treaty of Allahabad, thought that that act was of great and binding validity. The Nawab wished to do what Mr. Hastings afterwards did—to take ten lacs of rupees from the Raja. Mr. Hastings refused to let him. The Nawab wished to seize the forts of the Raja. Mr. Hastings would not permit him to seize the forts of the Raja. And yet that very Mr. Hastings comes forwards afterwards and demands five lacs of rupees, stating himself to act under

Protection by Mr. Hastings of Cheyt Sing against in-croachments of the Nawab, in 1773.

* Printed in the "Minutes of the Evidence," &c., p. 38.

11 APR. 1788. the same authority that the Nawab of Oude did. Mr. Hastings seizes the forts belonging to the Raja of Benares, and tells you in his Defence that a person in the situation of the Raja of Benares could have no use for forts but for rebellious and disaffected purposes.

Was Mr. Hastings in the year 1773 protecting Cheyt Sing in rebellion? Was Mr. Hastings in 1773 infringing the rights of the Nawab of Oude? Was Mr. Hastings insisting against his legal sovereign that he should not take those things which his legal sovereignty gave him? And yet Mr. Hastings comes now and tells your Lordships:—

Repudiation by Mr. Hastings of his own interference in behalf of Cheyt Sing.

"In the year 1773 I disgraced myself; I prevented the Nabob of Oude from exercising his legal prerogative; I protected his subjects in rebellion; I insisted that he should keep forts which he could keep for no other than disaffected and rebellious purposes: and now I desire you to judge me in this way. I have acted wickedly and cruelly in the year 1773 as against the Nabob of Oude; and therefore, because I did so then I desire you to acquit me now as with respect to the Raja of Benares."

Your Lordships will not admit of any such excuse. You will bind Mr. Hastings down to the interpretation he gave to those acts at the time he gave it. You will not take his interpretations at the times when it suited his purpose to give false glosses and untrue colourings to his acts. You will take them at the time he did them. You will take his explanation at the time.

Answer to Mr. Hastings' assertion that Bulwant Sing was an amil.

Another thing in this report is extremely material; it is this:—The Raja of Benares, says Mr. Hastings, had executed a kaulnama of the same tenor in the year 1770.* He also says that that kaulnama, executed in the year 1770, was of the same nature and the same tenor with that under which Bulwant Sing held. I desire your Lordships to remark this; because it has pleased the person at your bar to take up a great portion of his defence in stating to your Lordships that Bulwant Sing was an amil only. I defy your Lordships by any possible construction to say that he was an amil, or that he was anything else than that which Mr. Hastings made Cheyt Sing in 1773. Mr. Hastings says the instrument that passed in 1770 was the same as that which now passed. That instrument passed in 1770 was

* The sentence appears corrupt. The meaning intended is, probably, that the Raja of Benares had received from the Wazir of Oude in 1773 a kaulnama of the same tenor with that executed in 1770.

the same with the instrument under which Bulwant Sing held. Therefore, if all the three instruments were the same, and if the last of those three instruments clearly establishes him a complete and perfect zamindar, it will follow that Bulwant Sing was a complete zamindar; because, by Mr. Hastings' own report, he held under the same right—by a kaulnama—by deeds of exactly the same tenor as those which passed in 1773. 11 APR. 1788.

Your Lordships asked me, in the course of the proceedings, whether I could show under what tenure Bulwant Sing held. I think I have proved, as completely as anything can be proved, that he held precisely under that tenure which Mr. Hastings now says was granted by him first, but which he then said was precisely the same with that under which Bulwant Sing held.

My Lords, having now done with those acts which passed in 1773, I must call your Lordships' attention to another piece of evidence, which as against the prisoner cannot lie—it is impossible that it should—that is, the interpretation which Mr. Hastings himself put upon those acts of the year 1773, after he had done them. This brings me down to the year 1775.

A demand by the Nawab from the Raja of a payment of tribute in advance, resisted by Mr. Hastings.

In the year 1775 the Nawab of Oude wished to make some extraordinary demands upon this man. He wished to demand a sum of five lacs of rupees in advance. He wished that his tribute should be paid, not in the way in which it usually had been paid, but that he should demand it in advance. He did not demand five lacs in addition, as Mr. Hastings afterwards did; all that he demanded was that he should be permitted to demand that tribute in advance: and your Lordships will observe that that payment in advance was a payment to be made to the East India Company. What was the conduct of Mr. Hastings upon this occasion?—

> "Though it is for the benefit of the East India Company, consistently with justice I cannot permit it to be done; consistently with the obligations I have entered into it cannot be. I direct the Resident at the court of Oude to remonstrate against such proceedings."

And why? As your Lordships will see by referring to the evidence in 1775, which is in the 40th and 41st pages of the printed evidence, the reason why that payment was resisted was that it should not be a precedent. Rights may sometimes be established by precedents: it is necessary to resist them in the first instance. It was resisted, and successfully resisted, by Mr. Hastings. It was successfully resisted by the Raja, under the guarantee Mr. Hastings had given him

11 APR. 1788. —successfully resisted as against the Nawab of Oude, who was that sovereign which Mr. Hastings now tells your Lordships an Indian sovereign is, whose rights are everything and Cheyt Sing's rights nothing.

Cheyt Sing was that zamindar who, Mr. Hastings now tells your Lordships, owed an unreserved and implicit obedience to every demand that was made upon him. If he did so, why in the year 1775 did he protect that zamindar? Because there was a guarantee of the British faith that rendered Bulwant Sing independent—that rendered Cheyt Sing independent, and prevented any sovereign, of whatever rank, character, name or situation, he might be, from demanding either sums in advance or extraordinary payments beyond that amount which was stipulated in the treaty. I desire that your Lordships would peculiarly look to that letter of the Resident from Oude, where he conveyed to the Board the information of what he had done upon that occasion. He tells the Nawab that the Board at Calcutta would not see the rights of their dependents infringed upon, and that he was not to consider Cheyt Sing as upon a footing with his other zamindars, because he was protected by the faith of a British treaty. What became of that treaty, when Mr. Hastings tells you he is a mere zamindar? What he was in the year 1775 he was in the year 1781. If he was not in 1775 a mere zamindar he was not so in the year 1781. If he was to be protected against his lord and master at that time, he was to be doubly protected against the East India Company; because they had superadded obligations to protect him. The power, the sovereignty and the duties, of a guarantee were united in their persons; and, by a strange logic which Mr. Hastings uses, when both these duties were imposed upon the Company, both it seems were completely abolished. So far from superadding additional obligations—so far from having a double tie upon them—so far from being obliged to execute their duty as sovereigns and as guarantee both—Mr. Hastings says, "I will neither execute my duty as a sovereign nor will I execute it as a guarantee: both are gone and abandoned; and he is now in a situation the most abject that Indian slavery knows."

Subsequent disregard by Mr. Hastings of the Raja's rights.

My Lords, having now commented upon those acts in 1775—which, with the acts in the year 1773 and the treaty of Allahabad, I hope your Lordships never will allow for one moment to escape your recollection—let us see, tracing it according to its order of time, what was next done with

respect to the rights of this person. In the year 1775, in the very same year in which he had been protected by Mr. Hastings, upon the death of the Nawab of Oude, a negotiation was entered into by the East India Company for the purpose of a new treaty with the then reigning Prince. The effect of this treaty was to transfer the sovereignty of Benares from the Nawab of Oude to the India Company. What the Nawab of Oude had he would convey; what he had not he could not convey. The Nawab of Oude held the state of Benares under the protection of a British guarantee. He could not convey to abolish that protection and to do away that guarantee. The Nawab of Oude had no right to demand sums in advance; he had no right to take the forts; he had no right to take ten lacs of rupees for his necessities. He could not convey a right to take those forts; he could not convey a right to take that money. But I wish your Lordships particularly to attend to these proceedings in 1775; because it has pleased Mr. Hastings, both in his Narrative and in his Defence, setting all these proceedings at nought, to tell your Lordships, "I am not to be bound by anything I said or did at that period:"—and why? "Because I was not in the majority of the Council." If Mr. Hastings had not been in India—if Mr. Hastings had been in England, and had gone out to India in the year 1778—he was bound as an English Governor by the acts of an English government. If Mr. Hastings was in the minority of the Council, and a measure was carried by any majority against any opinion of Mr. Hastings, Mr. Hastings was bound by the acts of that majority; because the acts of that majority were the acts of an English government.

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Sovereignty of Benares conveyed to the Company.

Mr. Hastings' plea of not being bound by his own acts when not in the majority of the Council.

But I shall prove to your Lordships—and I state this now to call your Lordships' attention to the absolute falsehood of such a pretence—that, so far from not being in the majority of the Council at that time, my Lords, they are his own propositions, his own acts, assented to, proposed, supported and argued upon, by himself at the very time. Your Lordships will turn to page 44 of the evidence, where it appears that, upon the death of the Nawab of Oude, the five gentlemen who composed the Council agreed to meet, and each of them to propose their opinions in writing, with respect to what ought to be done with regard to the new treaty which was to be negotiated with the Wazir. Mr. Hastings indeed was of opinion that the old treaty was not expired; the other members were of opinion that it was expired. When

Proceedings of the Council in negotiating a treaty with the Wazir in 1775.

11 Apr. 1788. that resolution was carried against him—which was the only resolution that ever was carried against him in the whole course of the proceedings—Mr. Hastings, in the same manner as the other members of the Council, comes forward and makes certain propositions and certain proposals for the purpose of that new treaty which was to be executed. Those proposals your Lordships will see upon the proceedings of the 13th of February, 1775. The five gentlemen, each of them, proposed different conditions for that treaty, and almost all of them except Colonel Monson agree in this, that it be made an article of that treaty that the Raja Cheyt Sing should be rendered completely independent. And I beg that your Lordships would attend to this, because it is a consideration perfectly distinct from the person to whom he was to pay his tribute. Mr. Francis, Mr. Barwell and Mr. Hastings, all agree that the Raja of Benares should be rendered more independent than he was. Mr. Barwell expressly and explicitly states that the independency of Ghazeepore on Oude is a great political object and ought to be insisted on, whatever became of the payment of his tribute, whether he pays it to you or pays it to me. Whatever may be resolved respecting the revenue paid by the Raja, the English government ought not to stand in the same relation to it as the then Wazir. They want the English government to stand in a better relation to it than the then Wazir. Mr. Hastings then proposes that the perpetual and independent possession of the zamindary of Benares and its dependencies be confirmed—not that it should be granted. Your Lordships will observe—not that it should be given—but that it should "be confirmed and guaranteed to Raja Cheyt Sing and his heirs for ever, subject only to the annual payment of his tribute; and that no other demand should be made upon him."—Such was Mr. Hastings' then opinion.

And, to show your Lordships that that is a consideration perfectly distinct from the payment of his tribute, he next proposed that one half of his tribute should be paid to the Nawab of Oude, the other half to the English Company: and that is the only point upon which there was the least difference with him. The only point upon which the majority of the Council differed with him was upon how much of that tribute should be paid to the Company, and how much to the Nawab of Oude. They agreed that it was a fit and proper article of the treaty that he should be made independent;

they agreed that it should be the subject of negotiation how much of that tribute should be paid to the Company—"Resolved that a demand be made for the tribute of Gauzipore."—Your Lordships will observe that Ghazeepore and Benares both mean the same—"Resolved that a demand be made for the tribute of Gauzipore, but that it be not considered as an absolute and indispensable article in the negotiation with the Nawab."* 11 Apr. 1788.

Guarantee of independence of Cheyt Sing proposed by Mr. Hastings.

Now, to show your Lordships how little these were the propositions of these gentlemen, and how much they were the propositions of Mr. Hastings, your Lordships will perceive that, upon the 3rd of March, 1775, various questions were proposed, some by Mr. Hastings, and some as appears by the other members of the Council. But I should wish to call your Lordships' attention to the third of those proposals, which was made upon that day. Your Lordships will see that those propositions were questions made out of the minutes which had been given in by the different gentlemen, containing the different ideas of settling the state of this kingdom. The Governor General proposes the following questions:—

"Whether it should be made a condition of the new treaty that Raja Cheyt Sing shall exercise a free and independent authority in his own dominions, subject only to the payment of his tribute?

"Mr. Francis.—Yes.

"Mr. Barwell.—Yes.

"Colonel Monson.—No, I think not. I see no advantage in it for the Company's interest.

"General Clavering.—Provided he pays his tribute to the Company, I think he should be rendered independent.

"Governor General.—Yes."

Then your Lordships observe that this question, such as it is, is carried by the voices of Mr. Francis, Mr. Barwell and the Governor General, against the opinion of Colonel Monson, and with the opinion of General Clavering given under a condition. But your Lordships will observe that the opinions of these three gentlemen are clear, distinct, unequivocal, and unclogged by any condition whatever, that it should be made a condition of that treaty that the Raja should be rendered independent.

The next proposal concerns the transfer of the tribute—"That it shall be made an article of negotiation." And that negotiation ended in conveying the whole to the

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* See the "Minutes of the Evidence," p. 48.

11 Apr. 1788. Company. And then they write and inform the court of Directors what they have done, stating those articles I have read as the fundamental propositions. As a matter of policy with respect to what ought to be done to the Raja of Benares, they agree that he ought to be made independent; and then they submit to whom his tribute should be paid as a matter of negotiation with the Wazir. And your Lordships will particularly observe that that was the special proposal of Mr. Hastings himself, and carried by him and his friend Mr. Barwell, with the concurrence of Mr. Francis alone, and against the opinion in some degree of both the other gentlemen.

Argument founded on a difference between tribute and rent.

Your Lordships too, upon the statement of this question, will observe another thing to which I shall have occasion by-and-by to refer your Lordships—your Lordships will observe that Mr. Hastings, in the Narrative he has printed of his transactions at Benares, chooses to raise an argument upon whether it is a rent or a tribute that is paid by the Raja of Benares. What the argument would make, if admitted, I don't know; because I cannot comprehend why a rent guaranteed, confirmed and stipulated for, is not tantamount to and exactly the same as a tribute: but I call your Lordships' attention to that argument to show you the strange and inconsistent mode in which this man reasons. He says in that Narrative:—

> "Those who have been accustomed to regard Cheyt Sing as a vassal or tributary Prince may revolt at the idea of treating him with such cruelty, and call it an oppression. They will suppose nothing due from him to the Company but the payment of his stipulated tribute, and that the pledge of his exemption from every other claim." *

How does he answer that question in the Narrative? By saying—"He paid no tribute to the Company, but a fixed annual rent." And now I refer your Lordships to the deliberate question put by Mr. Hastings himself, where he expressly states whether he should be rendered independent, subject only to the payment of a tribute. If anything could come from such a miserable argument as could be raised by a distinction between rent and tribute, that argument wants facts to support it. I will quote the authority of Mr. Hastings in the year 1775 against his own Narrative in 1781. He paid no tribute, says he, in 1781; he paid a stipulated rent. In 1775 he pays a tribute, says Mr. Hastings.

* "Narrative," p. 9.

And I desire your Lordships will also attend to this, that above twenty times in the course of these proceedings it is uniformly called by Mr. Hastings himself *tribute, tribute, tribute;* and yet the whole argument in the Narrative turns upon the supposed distinction between these two words. 11 Apr. 1788.

These questions being then carried, it being agreed that he should be rendered independent and it being agreed to negotiate for the transfer of the sovereignty to the Company, I could wish your Lordships to attend to a letter which is received from the Resident, and which is inserted in page 50 of the printed evidence; because that letter will show your Lordships the sense and the principles upon which this negotiation was conducted: it will show your Lordships what he thought at that time of the independent situation of the Raja of Benares: it will show your Lordships that he was not the mere zamindar of the Nawab of Oude: it will show your Lordships that the Nawab of Oude could not exercise authority within his dominions: and it will show your Lordships that the Nawab of Oude had little authority in those dominions in comparison with any other part of his country. And, since so much stress is laid upon succeeding to the rights of the Nawab of Oude, it is necessary to dwell upon this part, to show your Lordships what those rights were in the opinion of the very persons who are now sheltering themselves under them. Your Lordships will see that, upon the 17th of May 1775, Mr. Bristow sends to the Board at Calcutta an account of what he has done in conducting this negotiation; and it contains a memorial or representation which he gave to the Nawab of Oude, in order to induce him to come to this cession of his sovereignty.

Independence of Cheyt Sing shown in the Resident's history of the negotiations.

"It occurs to me that if your Excellency would grant the Company the revenue and perpetual jurisdiction of Rajah Cheyt Sing's zemindary, on condition of their protecting the countries of Oude, Corah and Allahabad, as specified above, and increase the sum formerly stipulated for the pay of the English troops, the English chiefs would probably consent thereto. The resigning them so small a district, from which your Excellency derives so little advantage, and where your authority is so limited in comparison of your other dominions, is a matter of no consequence to you."

Is it possible or is it conceivable that any minister negotiating any treaty could assert such a fact to the prince with whom he was negotiating, if such a fact was not true? Would not the Nawab of Oude have said directly, "Why do you tell me I have no authority in that country? He is my

11 APR. 1788. zamindar—a mere zamindar. My authority there is as extensive as in any other part of my dominions. He is in the same situation as other Indian subjects. How dare you tell me I have no authority over the dominions of the Raja of Benares?" But this was said by the Resident uncontradicted by the Nawab; and it was resigned to the Company because the Nawab of Oude's authority was so limited there in comparison with his other dominions.

Reason for dwelling on the rights of Cheyt Sing.

Having now stated all the different situations in which the Raja stood with respect to the Nawab of Oude, and having concluded it with an assertion from the government of Bengal, acting through their representative, Mr. Bristow, at the Court of Oude, that his authority was extremely limited there in comparison with his other dominions, let me now call your Lordships' attention to the proceedings of the government of Bengal posterior to the acquisition of that sovereignty, which is the last thing I shall have occasion to state upon the rights of the Raja of Benares. And I am so long upon this part, the rights of the Raja of Benares, because the prisoner at your Lordships' bar has chosen in that Narrative to take issue upon that question. He has chosen to turn the whole hinge of the cause in a manner upon it; and he states, "if those rights are as he has represented, the Rajah is innocent; if as I have represented them, he is guilty." My Lords I shall have occasion to state that if these rights are as he as stated them he is guilty. But, upon the present state of the argument, I am to show your Lordships that these rights do not exist in the way in which he puts them.

Propositions of Mr. Hastings respecting the Government of Benares.

Upon the transfer of the sovereignty of Benares, Mr. Hastings thought it his duty—and here again I beg your Lordships to attend—Mr. Hastings thought it his duty to come forward with certain propositions respecting the government of that country. The principle upon which they are brought forward your Lordships will see in the observations upon the first of these propositions—that is, that a certain proposal, which I shall mention by and by, would not frustrate the intention of rendering the Raja independent. Mr. Hastings then knew that, but a few months before, he had come to a vote that the Raja should be rendered independent; and therefore he takes care that those propositions which in June 1775 he introduced to the Board should square with that resolution which he himself moved—that is to say, that they should carry into effect the intention of rendering him

more independent. Now what are those propositions? They are:— 11 Apr. 1788.

"That he should pay his tribute into the Company's treasury at Patna.

"That the Rajah shall be empowered to exercise a complete and uncontrolled authority over his zemindary under the acknowledged sovereignty of the Honourable Company in the government of the country dependent on him, in the collection of the revenues, and in the administration of justice.

"That sunnuds be granted to the Rajah, specially conferring upon him the power of appointing officers to the charge of the cutwally* and the mint of Benares; the latter to be subject to such rules and regulations as the Governor General and Council at any time think proper to decree.

"That, in return for these concessions, and for the performance of his duty as a vassal to the Company, the Rajah shall engage to maintain in constant pay and ready at all times for immediate service a body of 2,000 horse, on such a fixed establishment as shall be prescribed by the Governor General and Council; and that, whenever the service of this corps shall be required by the Governor General and Council, it shall be consigned to the command of such officer or officers as they shall appoint, and be allowed from the Company an additional pay or gratuity of 15 rupees per month for each private man, and in proportion for the officers of the said corps, during the time of such service.

"That, while the Rajah shall continue faithful to these engagements and punctual in his payments, and shall pay due obedience to the authority of this Government, no more demands shall be made upon him by the Honourable Company, of any kind, nor on any pretence whatsoever shall any person be allowed to interfere with his authority or to disturb the peace of his country." †

Reception of the propositions by the Council.

Every one of these propositions was expressly agreed to by the majority of the Council, except that one in which he is desired to do something in performance of his duty as a vassal to the Company. That he should pay his tribute at Patna is agreed to; but it is proposed whether it would not be more convenient to pay it at Calcutta, and they to make him an allowance for it. It is agreed he should have the mint, the kotwali, and all the prerogatives attendant upon sovereignty ,for the sole purpose of "raising him to a state of power and dignity unknown to any of his ancestors," that the condition of his connexion with the Company should not be left open to future variations. But Mr. Hastings wanted something more. He stated that, in performance of his duty as a vassal, he ought to maintain a body of 2,000 cavalry. What say the majority of the Council to that? "We have no right to make such a demand upon him: it would be in effect an increase of his tribute. We cannot call upon him to do it; we have no right to do it"—say Mr. Francis and Mr. Barwell—

* Kotwali—office of police.

† Printed in the "Minutes of the Evidence," p. 52.

11 Apr. 1788. "it is an increase of his tribute: we cannot do it." What says Mr. Hastings then? Does he then fight manfully upon the point that it is the performance of a duty as a vassal to the Company? No, he gives it up: he abandons it: he says, "I only proposed it as an article of speculation." Then the only thing which Mr. Hastings insisted upon that the Raja should do in performance of his vassalage, as he states it, is that which they contradict him in, and which he gives up, and says, "I only proposed it as an article of speculation." I hope your Lordships will attend to the principles, the grounds and reasons, why Mr. Hastings proposed, and why the Council agreed to, all these proposals: it is, to render the Raja independent. The payment is to be at Patna, that it may not frustrate the intention of making him so. He is to exercise a complete sovereignty, to "raise him to a state of power and dignity unknown to any of his ancestors." He is to get the mint and kotwali for the express purpose of giving him ensigns of royalty; and, because they have been a heavy grievance to him at former times, the Company are to exercise no more demands of any kind upon him—and why? Because, if they do, he will expect from every change of government additional demands; and for this express purpose, "that the conditions of his connexion should not be left open to any future variations."

Object of the propositions to render Cheyt Sing independent.

Now what must Raja Cheyt Sing have felt upon that occasion? Must he not have felt that the services of his father had secured to him the favour of the East India Company; that the duties attached to the East India Company by the treaty of Allahabad were still considered by them as binding upon him; that, so far from wishing to infringe or break in upon the duties imposed upon the India Company by that treaty, they wished to extend his rights, to carry further his prerogatives, and to "raise him to a state of power and dignity unknown to any of his ancestors"? Why was he to be raised to that? That he might be a powerful ally and an useful barrier. This man, who it is said can have no forts but for the purposes of rebellion, is to be an useful barrier; and he who can have no troops, as we are now told, except for the purposes of rebelling against his sovereign, is to be an useful ally — he is to be a barrier without forts and an ally without troops. Such is the construction Mr. Hastings now puts upon that agreement.

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Let me suppose that, at that moment, any person who was an enemy to the British power in India had gone to the Raja, when he was exulting in all these new grants and feeling himself safe under the protection of old ones; that they had told him—"You know not these faithless people you have to deal with. They tell you they are to make you more independent, that they are to raise you to a degree of power and dignity unknown to any of your ancestors, and that the condition of your connexion shall not be left open to future variations. Mistaken young man! The time will come when the very person who now says this will tell you that these very acts he is now doing, for the purpose of raising you to a degree of power and dignity—these acts which are for the purpose of settling your rights beyond the possibility of doubt or variation—these very acts reduce you to the mere state of a zamindar, where his power is everything and your rights nothing; which reduce you to a state of implicit and unreserved obedience, even to the extent of your life and property. At some future day you will be told by that man and that very faithless people — 'It is true I said at that time I would raise you to a degree of power and dignity: you had sanads, pattas and kaulnamas, and the treaty of Allahabad: but those acts of 1775 are the very acts and deeds themselves which reduce you to that state of abject and miserable slavery.'" Would not Cheyt Sing have told a person who should have ventured to prophesy in that manner—"I know everything that Hindu craft and intrigue can do; I know everything that Persian perfidy can execute: I know everything that Tartar violence and the intolerant principles of a Mohammedan religion can do. But I cannot conceive that there exists in the world a nation so faithless, so perfidious, so wicked a nation, so little bound by the faith of treaties and by the solemn acts of their own government, as to contradict and cut up by the roots these very acts which they fraudulently, deceitfully and wickedly, hung out to me as raising me to a state of power and dignity unknown to any of my ancestors."

Cheyt Sing ordered to pay his tribute at Benares instead of Patna.

I must here beg your Lordships' attention to one part of what Mr. Hastings relies upon in that paper which he calls his Defence. He says that they assumed the sovereignty—meaning the then majority of the Council—and he exercised it; "they caused his tribute to be received at Benares: I would have it received at Patna." The gist of that argu-

11 Apr. 1788. ment, if there is any gist in it at all, is this—that the appointment of a Resident at Benares, and the alteration of receiving the tribute at one place rather than another, produced all this wonderful change in the situation of this person. If the argument means anything, it must mean that the paying it at Benares instead of paying it at Patna—that the appointment of a Resident at Benares—reduced Cheyt Sing from that high state of power and pre-eminence unknown to any of his ancestors to the mean and servile state of a mere zamindar. Then how will your Lordships be astonished when I tell you that the appointment of a Resident at Benares was the act of Mr. Hastings; that the payment of the tribute at Benares instead of Patna was the act of Mr. Hastings! He now defends himself by charging these acts upon others, which I shall prove to your Lordships, by stating the evidence, were his own proposition and specific acts.

Proved to be the act of Mr. Hastings.

Your Lordships will see that, in the year 1775, the then Council, not being able to ascertain the state of the coin at Benares, and for the purpose of conferring a dress of honour upon the Raja, deputed Mr. Fowke on an embassy to that Prince, and for the further purpose of conveying to him that degree of power and dignity which was unknown to any of his ancestors. Another object of Mr. Fowke's mission was to settle a mode for the remittance of the tribute. Your Lordships will also observe that Mr. Fowke was not the Resident at Benares, but was sent there for a temporary purpose only. And I state this from an authority that the prisoner at your bar cannot dispute; because I state it from his own authority. The moment Colonel Monson died, Mr. Hastings declared that the purpose for which Mr Fowke had been sent to Benares was perfectly accomplished; it was in the nature of it a temporary commission at first.

Mr. Hastings, upon the 2nd of December 1776, expressly moves at the Board that Mr. Fowke be recalled from Benares and his commission annulled, the express purposes thereof having been accomplished. From that moment Mr. Fowke's commission was totally at an end. Mr. Benn told your Lordships yesterday that Mr. Fowke was not a Resident; and your Lordships will observe that, in the year 1776, by the death of Colonel Monson, Mr. Hastings acquired a majority in the Council. Upon the 23d of December, Mr. Hastings moved that a civil servant be appointed to reside at Benares, for the purpose of trans-

Appointment of Mr. Fowke as Resident at Benares,

acting any occasional business that may arise with the Raja. 11 Apr. 1788.
That moment is the first appointment of a Resident at Benares. If it is a crime to appoint a Resident there—if appointing a Resident there altered the situation of the Raja—it was Mr. Hastings' doing; Mr. Hastings, who gave him all those great prerogative rights, is the person who took them away, if it was done by appointing that Resident.

One of the objects of Mr. Fowke's mission to Benares was to settle the terms of remittance. Mr. Fowkes did settle the terms of remittance. A paper was read to your Lordships yesterday expressly giving an account how those terms were settled; and it was settled to be, not a payment at Benares, but at Calcutta; and a consideration was given to the Raja for the difference of distance between Calcutta and Patna.* Upon the 1st of February 1776, a proposal was made to Cheyt Sing to remit his tribute to Calcutta, and fifty days' grace were allowed to him for the remitting that tribute. Upon the 26th of February 1776, Mr. Fowke informed the Council that the Raja had accepted the offer of paying his tribute in Calcutta, with an allowance of 2 *per cent.* premium for remittance. From that moment it was no payment at Benares, but a payment at Calcutta: from that moment the Raja had fifty-one days granted him for the purpose of remitting his tribute to Calcutta; and in some after part of this cause I shall have occasion to direct your Lordships' attention to that. I only state it now for the purpose of answering that triumphant part of the Defence,—"I would have had it received at Benares [Patna?]. They did not make it received at Benares [Patna]: they made it to be received at Calcutta" [Benares?]. If it was ever after changed to Benares, [Calcutta?] it was Mr. Hastings that changed it. Therefore all that miserable defence which arises from the miserable difference of whether a sum of money is paid at one place or at another turns out to be, not only unfounded in argument, but perfectly untrue in every fact upon which it rests.

I have now finished what I have to address to your Lordships upon the subject of the rights of the Raja of Benares: and, having been so very long upon that part of the case, I shall think it my duty to be a good deal shorter upon the other parts of it.

My Lords, under these rights, under these stipulations and under these powers, pre-eminences and prerogatives,

* "Minutes of the Evidence," p. 71.

11 APR. 1788. Raja Cheyt Sing continued to enjoy his situation down to the year 1778. In the year 1778—General Clavering and Colonel Monson being then both dead—there was a great and strong probability, almost amounting to a certainty, from the information that Mr. Hastings had received, that war was declared between the two powers of France and England.

Mr. Hastings' plan for the defence of India in 1788.

Mr. Hastings, upon the 9th of July 1778, produced to the Board what he calls a general plan for the defence of India. If it were material to observe upon this plan, I should be at a good deal of difficulty to discover wherein the generality of the plan consists; for it seems to me that the principal part of the plan is confined to the militia of Calcutta, to the fortification of the river, and to some other modes of impeding the enemy from making an attack upon Calcutta. I make that observation to your Lordships because Mr. Hastings mentions it as a general plan of defence, as if it had been a general increase of establishment all over the country.

Cheyt Sing singled out for pecuniary exactions.

The only person who had any pecuniary demand made upon him—the only person who was desired to raise a soldier—the only prince, zamindar, amil—call him what you will—upon whom any pecuniary demand of any sort or kind was made, was Raja Cheyt Sing. And I call your Lordships' attention to the plan, that you may see that it was upon him, and him alone, that any demand was made. Raja Cheyt Sing is called upon to furnish three battalions for the expense of the war. It is a little singular that Mr. Hastings should in his Defence state to your Lordships, that "there was no other person in the situation of Raja Cheyt Sing." If Raja Cheyt Sing was the person whom I describe him to be, there were no other persons in the situation of Raja Cheyt Sing. But if Cheyt Sing was that person whom Mr. Hastings describes him to be—a mere zamindar—there were thousands in all our provinces, from one end to the other. There might be none so rich, so opulent, so able to pay so large a demand: but that there were zamindars without number and without end is a fact undoubted, and known perfectly well to all of your Lordships who know anything of the history of that country. If he was not in that circumstance, the levy was the most outrageous one that was ever made upon a subject. It was a specific demand upon a single individual. If Mr. Hastings means to justify himself by saying that he made a general tax for the purpose of carrying on the war, why did he not make it general? Because there was no person in the

situation of Cheyt Sing. Why? Because Cheyt Sing was not in the situation Mr. Hastings describes him to be. Mr. Hastings says that there was no other person in the situation of Cheyt Sing. Either he must admit that there were no zamindars or that Cheyt Sing was not one of those zamindars. 11 Apr. 1788.

The right to make the exactions disputed in the Council.

I call your Lordships' attention to this matter, which passed in the year 1778, for the purpose of stating to your Lordships, from the authority of Mr. Hastings himself, that there was at that time a dispute upon that right. For, if your Lordships will look at the minute of Mr. Hastings himself, when Mr. Francis proposed a qualification to the motion, your Lordships will see that Mr. Hastings refuses to agree to Mr. Francis' qualification, upon this single and only ground, that there is a dispute about the right:

> "For," says Mr. Hastings, "perceiving that the difference in our opinion upon the subject arises, not from a disagreement respecting the requisition, simply considered by itself, but from a different understanding of the right of the Company to exact under any pressure of affairs more than the sum stipulated by the sunnud granted to Cheyt Sing and the cubbooleat [kabuliyat]* given by him in return, I must adhere to the question as it stands, wishing to avoid the question of right."†

There was a dispute upon the right which Mr. Hastings did not choose to enter into. Mr. Francis explitly denied the right; which is clear from this; or Mr. Hastings must be talking absolute nonsense, and debating a question which was not before him. But he refuses the qualification, because there was a dispute upon the right—the right of Cheyt Sing being asserted by Mr. Francis. Your Lordships will observe that, from the first instant when that demand was made, it never had the acquiescence of that gentleman. That, in a moment of war, of peril and of difficulty, he did not choose to be over anxious, standing single in that Council, to dispute, to cavil, and to discuss rights, is a fault, if it is one, which I am sure no man would think a considerable one—if it were true that Mr. Francis had not disputed the right. But the reverse is true: he did dispute the right from the beginning, and proposed a qualification to the motion; which motion seems, if your Lordships attend to the evidence, to be introduced

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* A written agreement, especially one signifying assent.—*Wilson's "Glossary of Indian Terms."*

† Printed in the "Minutes of the Evidence," p. 67.

11 Apr. 1788. into the Council as if Mr. Hastings had obtained the consent of the vakil of the Raja at least to pay it for that year.

The ground of right upon which that motion was founded was expressly disputed by Mr. Francis and asserted by Mr. Hastings; and then, at that moment, Mr. Hastings again refers to the sanad and the kabuliyat, as if these had been the only rights under which Cheyt Sing held his country. And I desire here to call your Lordships' attention to that part of the Narrative where he states those rights which Cheyt Sing held. I desire to call your Lordships attention to it for this purpose; because you will see how falsely and untruly, upon every occasion, Mr. Hastings chooses to state the rights of that man. In 1778, he states them as if he had no rights but under the sanad and kabuliyat. He states them in 1781 as if he had no rights but under that sanad and kabuliyat; he states them as if all the acts in 1773 were done away, as if all the interpretation of the treaty of Allahabad was done away, and as if every preceding act and confirmation which had been granted to him did not exist. And, for the purpose of supporting such an opinion, he publishes in that very Narrative a false sanad, a false patta and a false kabuliyat. I say, my Lords, he publishes in that very Narrative—as I can conceive for no other purpose than giving a false colour to that transaction—a false sanad, a false patta and a false kabuliyat, and he inserts these words: "and that all preceding sunnuds shall be null and void, and of no force." Why, Mr. Hastings knew that that clause was expunged by Mr. Hastings himself, upon the objection of the Raja; and yet, at Calcutta, with those very consultations lying before him—or they might be if he had chose—in which that clause was expunged, he inserts in his Narrative a false account of it, by inserting that clause in it: which could be for no purpose that human ingenuity can conceive, except to give a colour to that idea, which he presses all along, that all former rights did not exist but were done away, and that the question stood merely upon those two instruments I have now alluded to.

Mis-statements respecting Cheyt Sing's rights in Mr. Hastings' Narrative.

My Lords, I will now go on with the demand in the year 1778. I shall not take up much of your Lordships' time in stating it, referring you only to the evidence, and stating this fact with respect to it. Mr. Hastings desires the Raja's consent to a demand for the war. The Raja's vakil gives that consent to a demand for one year only. And then

Demand of money made upon Cheyt Sing in 1778.

Mr. Hastings turns short round upon the Raja, and says, "You want to limit your payment to one year: then I demand it in five days." Mr. Hastings did not feel any pressure for the want of money; but the immediate demand of a payment, all at once, was in consequence of a supposed idea that the Raja would not give it again. In that year, before any payment was made, Mr. Francis states his opinion. He says, "There is no question that the Rajah will yield to the power of this government, and I shall be as willing as any man to support its authority"—how long?—"as long as its power is supported by justice."* And God forbid the authority of any government should be supported when it is not directed by justice! He then proceeds to tell you, that "If such demands can be increased upon him at the discretion of the superior power, he has no right, he has no property, or at least he has no security for either. Instead of five lacks let us demand fifty, and whether he refuses or is unable to pay the money the forfeiture of his zemindary may be the immediate consequence of it." Little did Mr. Francis know at that time that this very extravagant idea which presented itself to his mind, of demanding fifty lacs and his forfeiting his zamindary for not paying it, should suggest itself to the mind of Mr. Hastings. He puts it here as an *argumentum ad absurdum.* He states it as a thing so wildly ridiculous as that no man could conceive that a demand so absurd—an act so atrocious—could be done. And yet in 1781 that very demand is made, and these very consequences follow from it. I shall only observe upon this, that this demand was not paid till pretty late in the month of October in that year. 11 APR. 1788.

I shall next refer your Lordships to the then state of the treasury, to show that there was no pecuniary want at that time; there being then, by Mr. Hastings' own account and confession, two millions in the treasury, which is stated in the argument either of Mr. Barwell or Mr. Francis to be a sum far exceeding all possible idea of demand.

Demand made in 1779.

Cheyt Sing's remonstrance.

I next shall bring your Lordships to the year 1779. At the very beginning of the year 1779 the Raja expressly refers to the sum demanded of him in his patta:—"It is now absolutely out of my power to raise the sum required; and I am therefore hopeful that you will be kindly pleased to

* Extracts from Bengal Secret Consultation of the 28th September 1778.—Printed in the "Minutes of the Evidence," p. 76.

11 Apr. 1788. excuse me the five lacs now demanded, and that nothing may be demanded of me beyond the amount expressed in the patta which, through your favour, I obtained from the Honourable English Company."* The Raja expressly says, "Don't ask me for any more. I don't think you have any right to ask me for any more. Keep me to the sum expressed in my patta—the instrument in which my tribute is stated. I am ready to pay that; don't demand any more." Mr. Francis again explicitly says, "I never agreed to the right to demand these sums." And your Lordships will observe that upon this the single observation upon the delay of the Raja is made, which is to be found in page 90 of the Evidence:—"We shall make but this short observation upon the conduct of the Raja, that, whether it proceeded from an apprehension of establishing a precedent for exceeding the sum of his annual and stipulated revenue or from a sense of independence, it was equally unreasonable." Is it unreasonable, my Lords, in a person who holds by a specific right to state his rights, and to say, "I am not bound to any more?" Is it ungrateful, or showing a sense of independence, to say, "You ought to be bound by the bargain which you have made with me?" Is it extravagant, foolish or rebellious, to insist that Mr. Hastings should keep his agreements, that the acts of the English government should be uniformly guided by faith? Your Lordships will see that, in the month of September, Cheyt Sing again says he discharges his revenue according to his patta, and he hopes that this order will be revoked.

Your Lordships will see in this evidence, which I shall not trouble you now by stating—or rather by the piece of evidence read yesterday—you will see that the demand was paid some time about the 20th of October in that year, after the payment of it had been compelled by a military force. And now I shall bring your Lordships down to the year 1780, which is the third year of the demand; because it is the nonpayment of that demand which Mr. Hastings grounds so much upon.

Demand made in 1780. Your Lordships will see that, in the year 1780, the same demand was made upon him very near a month sooner than it was made the year before. Upon the 10th of August he paid one lac of rupees; and between the 10th of August and the 7th of September he had paid another lac and 47,000

* Printed in the "Minutes of the Evidence," p. 89.

rupees. Now I would call your attention to the circumstances under which that payment was made. In the month of June 1780 Mr. Hastings had received—right or wrong, I don't care which—from the Raja, at Benares, two lacs of rupees. If he received it rightly, in fairness, justice and candour, he ought to have been credited for it in his account, in payment of his subsidy. And if your Lordships will add that to the other two sums which I have stated, you will see that the whole sum, within 3,000 rupees, was that year paid a great deal sooner than upon any other year. If you take the two lacs given to Mr. Hastings in June, the one lac which was paid to the Resident and remitted to Calcutta in the month of August, and the lac and a half which was paid to the Resident between that and the 7th of September, they all together make within a trifle of five lacs of rupees. Take it in that way, and the whole sum was paid that year sooner than any other. But if you don't take it in that way, but say, "I will demand your subsidy and pocket your present into the bargain,"—you commit gross injustice, You don't give him credit for that which you take from him—you say in the way in which it is given (?)—and you have rendered him less able to pay by taking that present. 11 APR. 1788.

Mr. Hastings states that the great fault committed by the Raja was the non-remittance of the money to Major Carnac's detachment; and that, owing to the non-remittance of that money, Major Carnac's detachment fell into great difficulties at the place where they were. Your Lordships will observe that, of the Raja's tribute, one lac was sent to Calcutta in August, [and] a lac and a half was paid to the Resident at Benares in the beginning of the month of September: and, by the letter of the 18th of October, it appears that that money lay in the Resident's hands from the 7th of September till the 18th of October. And therefore, if Major Carnac's detachment suffered anything for the want of that money, it is the grossest injustice and the most scandalous cruelty to impute that which was the fault of the Resident to the Raja; for the money lay in the Resident's hands from the beginning of September till the 18th of October. When it was remitted I know not; but I know it was not remitted in September; and therefore it was the Resident's fault and not the Raja's if that money did not go to Major Carnac—if it was ever intended it should go to Major Carnac,—and it was the 7th of September before

Answer to the charge against Cheyt Sing of failure in remitting money for Major Carnac.

11 Apr. 1788. any order was given to the Resident to send the money to Major Carnac. Therefore the whole blame, if any there was, lay upon the Resident and not upon the Raja.

And here I must call your Lordships' attention to another strange assertion which is to be found in this paper, which is called a Narrative. Mr. Hastings says that, "in the year 1780, Cheyt Sing was extremely dilatory in his payments, and he did not make them till there was an order of the Board for the march of a detachment for the purpose of compelling him to it; this order had a principal effect in bringing him to compliance, I believe." How will your Lordships be astonished when your hear that the whole payment of the five lacs was made and finally completed two days before any such order existed! The whole payment was completed on the 18th of October, at Benares, and this order for marching the detachment only existed the 20th of October, at Calcutta. And yet Mr. Hastings, in his Narrative, for the purpose of loading and oppressing this man—for the purpose of throwing blame upon him which he does not deserve—in order to make it appear that he was induced to pay by marching a military force—transposes the two dates; whereas your Lordships will see that the payment was made two days before the date of the order issued at Calcutta, and therefore it is physically impossible that this order could have a principal effect, as Mr. Hastings states in his Narrative, of bringing him to a compliance.

No trace of a complaint of the non-payment of the tribute in the records of the Council.

Now, having done with these three payments, I have only to state to your Lordships that, whether the demand was just or unjust, whether it was made under an actual right, under a disputed right, or under no right at all, the payment was made upon the 18th of September 1780. From the 18th of September 1780 till the date of this Narrative, you never hear a complaint against Cheyt Sing from Mr. Hastings. If this non-payment was in effect a circumstance so atrocious, so violent, and indicated rebellion so strongly as Mr. Hastings has stated it, how comes it that the records of Calcutta are silent for a whole year upon the subject?—at least within six weeks of a whole year; for, from the 18th of October 1780 till you find Mr. Hastings at Benares in 1781, you never hear one single word of all this violent, this rebellious, behaviour that is now pretended. Mr. Hastings carefully keeps it out of the records. Not a whisper of discontent, not a mention of his name in the

whole proceedings, till you find it mentioned as a justification in the course of this Narrative. 11 Apr. 1788.

And let me call your Lordships' attention to another circumstance. In the year 1780 a demand was made for such a number of cavalry to be supplied by the Raja. I shall not go into the discussion whether the demand was right or not. I have a right to argue, from what passed in 1775, that the demand was violent and unjust, and that it was not even consistent with the terms which Mr. Hastings had proposed in 1775. But this I have to say, that, be it what it would, in spite of all that he has said upon the subject, the demand was complied with literally, in the terms in which it was made.

Demand of cavalry.

Mr. Hastings would have your Lordships to believe that a demand was made by the Board of 2,000 cavalry. No such demand was made. A demand was made upon the Raja for as many cavalry as he could spare. He wrote Mr. Hastings an answer, telling him he could spare so many. This so many he offered—he furnished—they were ready. That letter Mr. Hastings never answered, and he expelled him from his dominions for complying literally with the order of the Council. This demand of cavalry was made early in 1780, and in the whole course of proceedings in Calcutta, from September 1780 till the time that this Narrative is printed, there is not one word of this wonderful contumacy of Cheyt Sing in not complying with those demands. Can I have a stronger argument to prove that Mr. Hastings did not think that he had all these rebellious intentions?—that he did not think anything of this little delay of payment?—that he did not think anything of this not complying with the demand of 2,000 horse which was made by Mr. Hastings, but not authorised by the Board; for the Board only authorised to call upon Cheyt Sing to furnish as many as he could spare. One would expect to find upon the records, in the course of that year, some complaint—some minute—some conversation between Mr. Hastings and his friend Mr. Wheler—respecting this supposed contumacy of the Raja. Not one word of it in the whole records of Calcutta till after the publication of this Narrative.

Mr. Hastings' minutes on his journey to Benares silent with respect to Cheyt Sing's rebellion.

I desire your Lordships, too, to attend to the act which Mr. Hastings did previous to his going from Calcutta. I troubled your Lordships with hearing a minute read of the 21st of May 1781,* and another of the 3d of July 1781,*

* Printed in the "Minutes of the Evidence," &c., pp. 536, 537.

11 Apr. 1788. from Mr. Hastings, stating the reasons, objects and intentions, of this journey he was to take to the province of Benares. I read those papers for this purpose, that I could not conceive, if a great Governor of your empire in the East is stating to his fellow councillors the object of an extraordinary commission at least—and if a great member of your empire is in almost a state of actual rebellion, of treachery, of betraying you to your enemy, and of subverting entirely, as Mr. Hastings calls it, your power, and erecting his own independence upon its ruins—I cannot conceive that, if Mr. Hastings at that time thought that such a thing existed in the mind of Cheyt Sing, these minutes, stating the object of his journey to Benares, should have been totally silent upon the whole subject. The principal object of that journey is to visit the province of Oude :—

Not a word of Cheyt Sing's disaffection appears in the minutes.

"The province of Oude having fallen into a state of great disorder and confusion, its resources being in an extraordinary degree diminished, and the Nabob, Asoff-ud-Dowla, having earnestly entreated the presence of the Governor General, and declared that unless some effectual measures are taken for his relief he must be under the necessity of leaving his country and coming down to Calcutta, to represent his situation to this Government, the Governor General therefore proposes, with the concurrence of Mr. Wheler, to visit the province of Oude as speedily as the affairs of the Presidency will admit, in hopes that, from a minute and personal observation of the circumstances of that country, the system of management which has been adopted, and the characters and conduct of the persons employed, he may possibly be able to concert and establish some plan by whicht he province of Oude may in time be restored to its former state of affluence, good order and propriety."

I have read that to your Lordships because the object which Mr. Hastings professed in that minute he never accomplished. Those things which he has not professed in that minute he did accomplish. And therefore I have a right to argue that, when a man conceals his real purpose and does not execute his ostensible purpose, there is some fraud, some deception, some design at bottom, which he does not choose to trust upon those minutes upon which it is his duty to put every design he has. He states in his minutes that the object of his journey is to make a minute and personal observation of the circumstances of Oude; to acquire a knowledge of the character and conduct of the persons employed. He never entered the province of Oude. The Nawab met him; stayed a few days with him at Chunar. He never inspected the state of it. He had no opportunity of gaining any personal knowledge of persons

11 Apr. 1788.

concerned in the management of it, except that three or four days he stayed with him at Chunar. He never executed the purpose he professes; but he did execute another purpose which he has carefully concealed from the minutes. And I desire your Lordships especially to attend to these things which he calls credentials. He there introduces the word *Benares*, and he there hints in the credentials—not in the reasons he gives for his journey—that it is probable he may go through the province of Benares—that he may have something to do there. What?—"to form an arrangement consistent with the mutual engagements subsisting between the Rajah and the Company."

Is this the language of a man who believes that the person he is going to see is in a state little short of actual rebellion? If the greatest of your subjects is in a state little short of actual rebellion—if he has collected troops—if he has built fortresses—if he is in correspondence with your enemies—would you, if you are in your senses, talk of forming an arrangement consonant to the mutual engagements subsisting between you? Is that the language of a man who believed that there was at that time a rebellion in the contemplation of Cheyt Sing?

Extraordinary power assumed by Mr. Hastings in his journey to Benares.

My Lords, having stated Mr. Hastings' journey to Benares, I desire your Lordships would look at that extraordinary power which he took to himself—a power absolutely inconsistent with the very nature of the office which he held. Instead of establishing one Governor General and Council, he made two. He established Mr. Wheler at Calcutta, with all the powers belonging to the Governor General and Council, absolute and uncontrolled. He established himself, with all the powers belonging to the Governor General and Council, without the provinces, absolute and uncontrolled. He who is sent there to deliberate and consider in Council bound himself to approve of every act which Mr. Wheler did: Mr. Wheler bound himself to approve of those acts which Mr. Hastings should do: and the whole power of the Governor General and Council existed at one and the same moment in two places. According to this mode of proceeding, you may have five Governors and Councils in five different places, each possessing the whole power of Governor and Council, and four out of the five absolutely giving up their opinion, binding themselves to approve the acts which should be done by one and one only.

11 Apr. 1788.

Assumption of military authority.

Not only this, my Lords, but he took to himself a power and authority absolutely inconsistent with the nature of his office—I mean military authority; which the Governor General is expressly forbid to do in his instructions. He is self-elected Generalissimo of all the troops of the East India Company that were beyond the provinces,—that is, beyond the river [Ganges]—and then, having taken to himself this extraordinary power and authority, he sets out upon this journey from Calcutta, as your Lordships will see, not putting upon any minute any one intention that he had to execute respecting the Raja of Benares, not saying one word about it upon any official proceeding in the government of which he was governor.

Charge against Cheyt Sing of meditated rebellion.

Now your Lordships will attend to a strange inconsistency which there is between the different arguments which Mr. Hastings has at different times used in defence of this measure. He says, in the 7th page of that paper which is called a Narrative:—

"These instances of contumacy and disobedience, criminal as they were in themselves, and aggravated by the extreme and known distresses and dangers of the superior state to which he owed, not only personal fealty, but every voluntary aid which all the resources of his zemindary could contribute, appeared to me of less consideration as such than as they were evidences of a deliberate and systematic conduct aiming at the total subversion of the authority of the Company and the erection of his own independency on its ruins."

He then says that Cheyt Sing had inherited a vast mass of wealth; that he had fortresses; that his tenants treated the English passengers with inhospitality, and that he maintained a correspondence with the Mahrattas and other powers, who either were or might eventually become the enemies of our state,—and, if the disaffected zamindars of Fyzabad and Behar were not included in the report, which I do not recollect, we have had woeful proof that there was equal room to have suspected the like intercourse between them—and, lastly, that he was collecting or had prepared every provision for open revolt.

Every evidence of a perfect, deliberate, systematic, conduct, aiming at independency and the subversion of our government, which Mr. Hastings has stated in this Narrative, was perfectly and completely known to him before he left Calcutta; and if Mr. Hastings then thought, as he says in this Narrative he did think, that they were the evidences of a systematic conduct leading to an open rebellion—then why did he leave Calcutta in the manner he did? To a

person aiming at your subversion, do you go upon a friendly visit with the company of a few sepoys? Do you make no preparation against his revolt? Do you assemble no troops? Don't you deliberate with your colleague upon the conduct which you ought to hold towards him? I say, from the want of these circumstances in the conduct of Mr. Hastings it is physically (?) impossible that it can be true that he then believed Cheyt Sing aimed at a total subversion of our dominion. It cannot be true; because, if it had been true, no man out of Bethlem would have acted the part Mr. Hastings has acted. 11 APR. 1788.

As to the other part of the charge insinuated, that he maintained a correspondence with the Mahrattas and other powers who either were or might eventually become the enemies of our state, I defy Mr. Hastings to produce a shadow of evidence of it. He has roundly asserted it in this Narrative. I have read it from beginning to end; I have read every paper which it has relation to; and a tittle of evidence of such a charge I cannot find. If it exists, let Mr. Hastings produce it. But I will tell your Lordships why it did not and it does not exist, because, says Mr. Hastings, in that paper which he calls his Defence, "at the time I left Calcutta I did not believe him guilty of the premeditated project of driving the English out of India with which I afterwards charged him." And why did he not?—for he had all the evidence in his hand that he now has. You, Mr. Hastings, had all that evidence in your hand which you yourself in your Narrative state to be complete evidence of that systematic and deliberate conduct. Reconcile the Defence then with the Narrative. It is perfectly impossible. The Narrative grounds itself upon this—that he saw the necessity of curbing the overgrown power of a great member of the empire; that he saw evidence of a deliberate and systematic conduct to subvert that empire. The Defence says, and says truly, that he did not believe him at that time guilty of the premeditated project of driving the English out of India, with which he afterwards charges him.

Of correspondence with the Mahrattas.

But I will tell your Lordships of what he believed him guilty—he believed him guilty of being rich; and the India Company at that time was poor. He believed him guilty of paying more attention to the British government than to the individual person of a British governor; and he thought that for a piece of personal disrespect a fine was sufficient—500,000*l.* is to atone for a little personal offence; but expul-

Resentment of personal disrespect the cause of the fine inflicted on Cheyt Sing.

Apr. 1788. sion from dominions is only fit to atone for rebellion against the Company. My Lords, I don't state this without authority; I state it from the authority of Mr. Hastings himself. Says Mr. Hastings, in this paper which is called a Defence, which is at the top of the twenty-eighth page in the printed evidence:—

> "So long as I conceived Cheyt Sing's misconduct and contumacy to have me rather than the Company for its object,—at least to be merely the effect of pernicious advice or misguided folly, without any formal design of openly resisting our authority or disclaiming our sovereignty—I looked upon a considerable fine as sufficient, both for its immediate punishment and for binding him to future good behaviour."

So long as it had me for its object—so long as I was revenging personal affronts of my own—so long as I was departing from the character of a governor, and using powers for the purpose of revenging that which was mere personal disrespect to myself—so long as I acted in that situation and in that character, a fine of 500,000*l.* was sufficient to atone for a piece of disrespect to me: expulsion is to atone for an offence against the government. He left Calcutta, he says, impressed with an idea that a strong power was necessary to curb the overgrown power of this man. If he had meant to expel him from his dominions he would have collected his troops—have mustered his forces; but, not going upon any public purpose, going to revenge this little insult to himself, conceiving the Raja's conduct had Mr. Hastings and not the English for its object, he then thought that a mere fine of 500,000*l.* was sufficient. My Lords, I say, upon his own authority, that he entertained then no serious thoughts of expelling him; because no man could be so extravagant—not even Mr. Hastings himself—as to expel a prince from his dominions merely for a piece of personal disrespect to himself.

I have stated to your Lordships the motives of Mr. Hastings' conduct; I have stated the duplicity of it; and have shown from Mr. Hastings' own authority that he went to Benares merely to revenge a personal insult. I have shown that the defence he has set up in his Narrative of systematic and deliberate conduct to overturn our dominions is untrue, and contradicted by his last defence. I have shown that he left Calcutta for another purpose than that which he professed, concealing his real purpose; and Mr. Hastings, acting in that double manner and in that double character, leaves Calcutta and arrives at Benares. His first act

at Benares is to deliver a charge in writing against the Raja; which charge the Raja answered in terms respectful and decent. Some parts he stated to be untrue; upon other parts he offered sufficient matters in alleviation; and, upon the whole, all that he asked was an inquiry into the truth of the charges which had been made against him. If your Lordships read the charge, which is to be found in the Narrative, you will find that I have stated already the only charges which he had to make against him, to wit, the non-payment of that money at the time Mr. Hastings conceived he should pay it, and the non-remittance of the money to Major Carnac. I have stated already the falsehood of that charge, and that if the whole money taken from the Raja had been applied to the account of the Raja, his whole subsidy, within a trifle, was completely paid up.

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Mr. Hastings' charge in writing against Cheyt Sing, and the Raja's answer.

I gave in evidence to your Lordships yesterday a short paper of Mr. Hastings, in which he says that the whole extra expense of Major Carnac's detachment could not exceed two lacs of rupees; and he offered as his own—that which was not his own at that time—two lacs of rupees, to make it good.*

The next charge is,—

Charge respecting the requisition for cavalry.

"I required in the name of the Governor General and Council by letter, and ordered Mr. Fowke to repeat the requisition in person, that you should furnish a body of horse to assist and act with the armies of the Company; and, when Mr. Markham succeeded Mr. Fowke, I gave him an order to repeat the demand; which he did accordingly with frequent and almost daily importunity, limiting the number to 1,500, and afterwards to 1,000. To this demand you returned evasive answers; nor to this hour have you contributed a single horseman."†

My Lords, the Raja completely and perfectly answers that charge; and the only crime that I can find imputable to him upon the whole of this business is, that he dared to tell the truth in his own defence; and that is the true reason why he was expelled. He says,—

"With respect to the horse, you desired me in your letter to inform you of what number I could afford to station with you, and I sent you a particular account of all that were in my service, amounting to 1,300, of which several were stationed at distant places; but I received no answer to this. Mr. Markham delivered me an order to prepare a thousand horse. I complied as far as I could, I furnished 500, and I gave a substitute, such as I had, for the rest. I told Mr. Markham they were ready to go where they should be sent. No answer came upon this head. I remained astonished at the cause of it."‡

* Minute of Mr. Hastings, 26th June, 1780.—Printed in the "Minutes the Evidence," p. 342.

† Mr. Hastings' "Narrative," p. 16.

‡ "Narrative," p. 18.

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Says Mr. Hastings, "to this hour you have not contributed a single horseman." Says the Raja, "the horsemen were ready. I wrote to you to know what I should do with them. They were there for you; they are there for you now. You never gave me any answer to it. And now you charge me with never having furnished a single horsemen, because you would not take those I furnished. You change the terms of the demands of your own Government; you demand more horsemen than I can possibly spare, because my troops are concerned in the collection of the country; and, that being the case, I cannot furnish any more. Such as I have, there they are. You charge me with not furnishing them, when they are there ready for you to take them if you choose it."

Charge of exciting disorders in his government.

The other charges he makes against him he passes over. He says, "I pass over other instances of your conduct, in which, through the means of your secret agents, you have endeavoured to excite disorders in the government on which you depend." What is meant by that charge? What proof there is of that charge, upon what it is founded, I profess myself totally, perfectly and completely, ignorant. For in no paper which Mr. Hastings has written upon the subject, in no narrative, defence, minute or anything else, has he ever condescended to say what he meant by that paragraph. This I know, that the Raja says,—"Excepting Abdullah Beg and his, none of my people, either dependents, or servants, or others in any shape connected with me, have ever gone to Calcutta." He gives a complete denial to every charge which has been made against him, and he concludes his answers with saying, "Now you are come to Benares, all I wish, all I desire, is, that, now you are here yourself upon the spot, you will take the pains to inquire into the matter yourself." Does Mr. Hastings take the pains to inquire? No. That instant he disgraces him at the head of his government; he refuses to see him; and that instant he orders him into arrest under the custody of Mr. Markham.

Circumstances of Mr. Fowke's removal from Benares, and Mr. Markham's appointment as Resident.

And now, my Lords, before I proceed further in this business, it is absolutely necessary that I should upon this part of the charge state how Mr. Markham came to Benares. Mr. Hastings refused, as your Lordships will see by the evidence, till Sir Eyre Coote came out, to let Mr. Fowke, who was appointed by the Company, go as Resident to Benares. Upon the 14th of January 1781, just before Mr. Hastings proposed to leave Calcutta, he removed Mr. Fowke, who was specially placed in that situation by the court of

Directors. And I wish your Lordships to attend to the principal grounds and reasons why he removed Mr. Fowke. Was it because Mr. Fowke was unequal to the duties of his situation? No. Was it because Mr. Fowke was not diligent and faithful in the duties of his office? No. Was it because Mr. Fowke wanted honour, probity or ability? No. But it was because he was put there by the court of Directors, and for no other reason whatever. And I state this to your Lordships from the authority of Mr. Hastings himself. He says,— 11 APR. 1788.

"Speaking for myself alone, it may be sufficient to affirm that Mr. Fowke is not my agent—that I cannot give him any confidence—that while he continues at Benares he stands as a screen between the Rajah and this Government, instead of an instrument of control, and that the Rajah himself, and every chief in Hindostan with whom we are in connexion, will regard it as the pledge and foundation of his independence. To Mr. Fowke himself I have no personal objection. I approve his conduct and esteem his character; and I believe that I might depend upon his exact and literal obedience and fidelity in the execution of the functions annexed to it. My objection I have stated above, and it is insuperable."*

And, my Lords, for fear any imputation should rest upon the character of Mr. Fowke, he does the most extraordinary thing that I believe any Governor ever did—he removes him; and he proposes to give him the appointment of agent (as it is called) for the provision of all boats to be employed for the military services of this establishment, with an allowance of a commission of fifteen *per cent.* upon his disbursements. But there immediately occurs to the mind of Mr. Hastings an objection to this mode of proceeding; and it is, that, when you give a man so much *per cent.* upon what he lays out, it is a great temptation to him to lay out more than is necessary. Mr. Hastings sees the objection; he takes it, and he likes his plan, because it has the objection; for says he:—

"I propose this method in preference to a contract, because I am convinced from experience that the service will be better performed by this alteration, although it is liable to one material objection in its natural influence on his expenses. This is a defect which can only be corrected by the probity of the person who is intrusted with so important a charge; and I am willing to have it understood as a proof of the confidence which I repose in Mr. Fowke."

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* Minute of Warren Hastings, 14th Jannary, 1781.—Printed in the "Minutes of the Evidence," p. 280.

11 APR. 1788. Having said in the beginning of the minute that he had no confidence at all in Mr. Fowke, at the end of the minute he transgresses the general principle by saying, "I wish to have it understood as a proof of the confidence which I repose in Mr. Fowke that I have proposed this appointment in opposition to a trust so constituted." This man, who has no confidence at all in Mr. Fowke, concludes by making a proposal to prove his infinite confidence in him. Why is he to be removed from Benares? Because he was a screen between the Raja and this government. If Mr. Fowke was all that Mr. Hastings describes him, how could he be a screen? I will tell your Lordships how he was a screen. It was by that exact and literal attention to the duty of his station; by all that probity and virtue which forced itself upon the conscience of Mr. Hastings, he was a screen between the Raja and the evil acts of this government. He knew the rights upon which the Raja stood independent; he would not while there submit to Mr. Hastings' destroying those rights at his will. In that sense he was a screen. He was not the dependent of Mr. Hastings. His faith, probity, honour, integrity, and exact and literal obedience to the orders of the Directors who sent him there, rendered him unfit for that situation when Mr. Hastings was going to Benares. If he had been a screen in any other way he could not be the man Mr. Hastings has described him to be. If he had been a screen against the just demands of government he would neither have been faithful, just, full of probity, nor deserving that confidence which Mr. Hastings reposed in him. And therefore the only way he could be a screen was, that he would have protected the Raja from the oppressive acts of Mr. Hastings.

Arrest of the Raja.

Then, having removed Mr. Fowke, he puts the Raja in arrest, under the orders and control of Mr. Markham, whom he had appointed with the assistance of Mr. Benn, whom he had sent up along with Mr. Markham. For what reason was the Raja to be put in arrest? Because he had ventured in the humblest manner to suppose he had a defence against the charges—because he desired to be tried—because he wished Mr. Hastings to inquire—and because he stated the truth to Mr. Hastings in his answer. I have a right to say so; because Mr. Hastings himself tells you, in the same Narrative:—

"The Rajah, in his reply to the charges which I had made against him insists much on the many letters which he wrote to me, praying to be

dispensed from the orders of Government, and my neglect to answer the same; and this charge against me he repeats in a manner not the most respectful—I don't know but it may be true." 11 APR. 1788.

"You the Raja have told the truth; you have written about your horse and I have not answered you,—I have left you in doubt and difficulty. You have written praying to have a month or two's time to pay this money. I have not answered you. I left you in the dark with respect to my intentions. You dare to tell the truth in your own defence. The charge you make against me is true; you repeat it not in a manner respectful. But, for having the daring assurance, the boldness and the violence, to teach a Governor what is truth—to state a defence for yoursef—you shall be put under an arrest."

And under arrest accordingly he was put by Mr. Hastings. The personal consequences of the arrest to the Raja, in point of lowering him in the estimation of the inhabitants—in point of preventing him from ever after collecting his revenue without force, if he continued in the government—your Lordships were told yesterday by Colonel Gardiner: says he, "I don't think he could afterwards have collected his revenue without force,"*—so completely was he degraded. And why was he degraded? For no other reason than for those matters which I have stated to your Lordships, other than an idea that Mr. Hastings seemed to have had, that without an arrest he never would have submitted to a fine of fifty lacs.

Presumption of his refusal to pay the fine of 50 lacs.

Was he ever asked to submit to a fine of fifty lacs, or had Mr. Hastings any right to ask such a question? Colonel Gardiner has told your Lordships he believes he would have parted with everything that he had rather than have rebelled and resisted. Did Mr. Hastings ever require him in any form or in any manner to pay those fifty lacs? He has not said that he did. I don't know that he did. I don't believe that he did. Had Mr. Hastings any reason to believe that he would not pay fifty lacs, even if the demand was atrocious and violent? Mr. Hastings had every reason to believe that he would pay the demand of fifty lacs; for he had offered to Mr. Hastings to pay a sum of 200,000*l.* to assuage his violent anger. Here let me ask your Lordships what part of the proceedings of the government of Calcutta that offer appears upon? Mr. Hastings concealed from his colleague, Mr. Wheler, that ever an offer of 200,000*l.* was made by Cheyt Sing as an atonement for his offences. It was his duty to communicate it to Mr. Wheler; and, if Cheyt Sing

* "Minutes of the Evidence," p. 352.

11 Apr. 1788. was to be punished, Mr. Wheler ought to have been consulted whether this was not a sufficient atonement for any offence he had committed.

The whole penalty imposed upon him by his agreement was a certain fixed penalty of one quarter *per cent. per diem*, for delay in the payment of five lacs, for payment of which there was no stipulation. He is to be fined 500,000*l.*; he offers 200,000*l.* instead of that quarter *per cent.* Mr. Hastings conceals that offer. Your Lordships know nothing about it. His colleague, Mr. Wheler, who had and ought to have had a voice on that subject, does not hear one word about it. It is kept in the dark, and is not told till after the expulsion of the Raja upon other pretences—the supposed rebellion, which happened afterwards. Having voluntarily offered 200,000*l.* is sufficient proof that he would have been ready to come forward with more—that he would have given everything he possessed, short of his honour, to have assuaged the anger of Mr. Hastings. But why is a fine of 500,000*l.* to be imposed upon him? 200,000*l.* which he offered is a sum far exceeding any possible idea of supposed delinquency. In what could any delinquency consist? In this, and nothing more—state it according to Mr. Hastings' own way of putting it—in the non-payment of a small sum of money for a very few weeks. If it had been his tribute instead of his subsidy, Mr. Hastings had no pretence for demanding above a quarter *per cent. per diem.* He offers 200,000*l.* for having delayed payment of 25,000*l.* for a few weeks. Mr. Hastings refuses it. He does not consult with his colleague about it; and he goes and puts this man under arrest—disgraces him for ever in the eyes of his subjects, in order to demand 500,000*l.* from him, which I don't know whether he did or no (*sic*). And here I must recall your Lordships' attention to the evidence of Colonel Gardiner.

Colonel Gardiner's evidence, disproving charge of rebellion against Cheyt Sing.

Your Lordships know that the fort of Chunar is situated in the middle of the province of Benares. It is the key of Benares. It is within fourteen miles of the capital city itself, and in the centre of the province. Residing for five or six years in the character of chief engineer at that place, perfectly conversant with the country, knowing everything that was done in the country, making frequent excursions into every part of it, he says, "If Cheyt Sing had made preparations, I must have known of it. If he had collected troops and stores, I must have heard of it. I know nothing of any intention he had to rebel; I, a military officer, saw not the least symptom of any such design upon the part of

the Raja. I was with Mr. Hastings at the time; I did not see anything before, after, nor at the time, nor at any period whatever did I ever perceive any intention in the Raja to rebel." "Ay, but," says the Counsel in the cross examination, "he was erecting batteries; he was erecting bastions at Ramnagur; for three years he had been employed in adding a single bastion to the fort which surrounds his palace." Did Mr. Hastings ever make that charge against him? Why did he not send and desire him to stop that bastion? He must have known it in the course of these three years. 11 APR. 1788.

But what right had Mr. Hastings to say that that Prince who was to be a barrier to your country should not repair his fortresses?—that that Prince from whom Mr. Hastings prevented Suja-ud-Dowla taking those forts, when he had the same dominion over him—what right had Mr. Hastings to say that he should not garrison them?—that he should not provide ammunition?—that he should not build new bastions? He could not effectuate his alliance with the Company without it. Our troops had no business in that country during the time Cheyt Sing was governor of it,—and to very little good purpose, as your Lordships will see by and by, have they come into it since. Therefore, against this man—because he was repairing an old fortification, because he was collecting a few troops which Colonel Gardiner who was present thought no instance of rebellion, which Mr. Hastings, who knew it and must know it, thought no instance of rebellion—it is now to be raised up as an atrocious offence and worthy these violent measures. Colonel Gardiner, perfectly knowing the subject, perfectly competent to determine, being upon the spot at the time, says:—

Circumstances of the tumult occasioned by the Raja's imprisonment.

"This insurrection, as he called it, was a sudden affray raised by the imprisonment of the Rajah, a consequence of Mr. Hastings' violence—a consequence of that arrest and disgrace—no sympton of any intention on the part of the Rajah to rebel; so far from it that it was a loose popular tumult, of which the Rajah was as much afraid as anybody else, and the Rajah flies away himself among the first in order to avoid the effects of that tumult."

How was that tumult raised? You have the evidence of Mr. Hastings, in the papers which he has attached to this Narrative upon that subject. This unfortunate Raja, put under arrest, retired to his devotions. Your Lordships know that he sustained the character of Prince and the character of High Priest of that nation. Your Lordships know the respect in

11 Apr. 1788. which the devotions of bramans in high rank are held by the people in that country. The Raja retired to his devotions. In the midst of those devotions he is insolently attacked by a servant of Mr. Markham's, a person of the rank as it is called of a chobdar; which I take to be pretty near about the same rank as one of those tipstaffs which attend without your Lordships' door. That person goes up to him; in that holy and in that sacred situation he insults the Prince,—he insults the High Priest of his nation—in the face of all his people assembled around in consequence of these violent and atrocious proceedings. He comes up to him and he tells him, "I am Cheyt Ram, what are you but Cheyt Sing?" And then he proceeds to threaten him. In consequence of this atrocious insult, at such a moment and to such a person, a tumult arises. The sepoys sent there carelessly without ammunition are killed; the officers are killed too. Cheyt Sing flies; and the whole ends in a violent popular tumult at the moment. And this account of the transaction I don't take from Colonel Gardiner, but from the affidavits collected by Mr. Hastings himself in justification of his own proceedings, and as a full and complete defence for himself in this business.*

References to the affidavits collected by Mr. Hastings for his justification.

Can your Lordships wonder that such an act, at such a time, should excite a good deal of popular commotion? Can your Lordships ascribe it to a deep design to rebel—to rancorous intentions to destroy Mr. Hastings,—that at such a time, from such an act, such an event followed. And yet, if your Lordships will read over these affidavits, it is the only act I can find which, in any degree or in any respect, can be construed into an act of opposition to the English government.

Your Lordships no doubt have looked over this immense volume of affidavits. You would expect to find evidence of some acts of Cheyt Sing's prior to this supposed insurrection, —some accounts of his connexions with other powers,—to find an account of some one transaction of his prior to the day upon which that tumult happened. If your Lordships expect it you will look for it in vain; for, except the first four affidavits, an affidavit of Major Eaton and one other affidavit which gives an account of the number of forces Cheyt Sing went down the river with, there is not an affidavit or paper of any sort which relates to any act of Cheyt

Major Eaton's affidavit.

* Forming Part III. of the Appendix to his "Narrative."

Sing whatever prior to this date of the insurrection; and Mr. Hastings is to be vindicated in expelling Cheyt Sing from his dominions upon acts which arose after he had driven him into rebellion, and after Mr. Hastings had expelled him from his dominions. What that affidavit of Major Eaton is I will explain to your Lordships. It only amounts to this—that some sepoys had gone out of the garrison at Chunar and had been ill treated. A little riot between two or three villagers and two or three sepoys is the only act of the kind which, with all the industry of Mr. Hastings, he has been able to collect of Cheyt Sing's ill disposition to the Company—acts which are totally denied by Colonel Gardiner. "I lived long in his neighbourhood," says the Colonel, "I knew him well: he was polite, gentle in his manners, attentive to his subjects and beloved by them. I knew of no riot, confusion or disorder, that happened in his country." 11 Apr. 1788.

The only defence Mr. Hastings has, prior to the date I am now stating, is a supposed ill usage of two or three careless sepoys, wandering from their fort into the country of Chunar, into which county they had no business to go. And when they did go, as your Lordships will hear from after conduct I shall state, there was no great reason to suppose that they went there with moderation or with much attention to justice.

Mr. Hastings' justification of his conduct by that of his predecessors.

Having examined the facts, let me call your Lordships' attention to some of the supposed arguments by which Mr. Hastings chooses to defend himself. "My predecessors," says he, "it may be here observed, both in language and conduct equalled at least or rather exceeded everything of which I am now accused." What was it that his predecessors did? They were bound by no treaty, connected by no tie. Bulwant Sing was then with his forces in the army of Suja-ud-Dowla whom we were opposing. They proposed to conquer the country of Suja-ud-Dowla and the country of Bulwant Sing, in a state of actual war and hostility. He was not our ally; he was not our dependent; he was not our subject; he was not in any shape or in any manner or way connected with us,—on the contrary, in actual war, in a state of open hostility, with 10,000 horse in the camp of Suja-ud-Dowla. They propose, as a part of the conduct of that war, to dispossess Bulwant Sing of his dominions; "and," says Mr. Hastings, "because my predecessors endeavoured, as a plan and a measure of war, to take possession of the

Proceedings against Bulwant Sing.

11 Apr. 1788 country of Bulwant Sing, as an enemy, I will dispossess Cheyt Sing when he is an ally, a dependent and a subject. Everything they threatened in a state of war and hostility I, in a state of peace and tranquillity, will do, and will justify myself under that which they offered as a justification to them."

The next thing he states is a long history, in this paper which is called a Defence, in order to prove that Bulwant Sing was not a zamindar but an amil. Whether he is zamindar or amil, by whatever name or descriptions Mr. Hastings chooses to call him, I care not; I know he was a man protected by British faith, under the sanction of British guarantee; and that he was the subject of a British Governor. I should not state that Mr. Hastings had laid any stress upon it, if it had not been that I have, in the former part of the argument, pointed out by Mr. Hastings' own confession that Cheyt Sing was the exact same thing that Bulwant Sing was. If Cheyt Sing was a zamindar, Bulwant Sing was a zamindar. And, in this Defence, let me call your Lordships' attention to a curious and strange argument used by Mr. Hastings to prove he was not a zamindar.

Argument of Mr. Hastings to prove that Bulwant Sing was not a zamindar.

"In the 5th article of the treaty of Allahabad, his Highness Suja-ud-Dowla engages to continue Bulwant Sing in the zemindaries of Benares, Ghazepore, &c., &c.; and in the seventh article of the same treaty it is resolved to restore to his Highness the country of Benares and the other districts now rented by Bulwant Sing. Both of these articles cannot be admitted in their true and literal sense. If the zemindary belonged to Bulwant Sing he could not be said to rent it; he paid tribute only."

In this Defence, the test of zamindar or no zamindar is a payment of tribute. If Bulwant Sing had been a zamindar he would have paid tribute. Says Mr. Hastings in his Narrative, Cheyt Sing was a zamindar; but being a zamindar he paid no tribute but a rent. The argument in the one is completely the reverse of the argument in the other. The same argument that is used to prove that Bulwant Sing was no zamindar is used to prove that Cheyt Sing is one. Cheyt Sing paid no tribute, he was a zamindar; zamindars all pay rent. Bulwant Sing was no zamindar; why?—because if he had been he would have paid a tribute, whereas he paid a rent; therefore he was no zamindar. Let Mr. Hastings put these two propositions together and reconcile them; and then let him take them to be either zamindar, amil, renter or whatever name he chooses, and I shall tell him that no name, word or forced construction, will get rid of the sense and substance of an English treaty with an English subject. One of the learned Counsel, upon reading the treaty of Alla-

habad, said "Attend to the word malguzari."* What is meant by that I am at a loss to understand; but this I know, the treaty of Allahabad does make Cheyt Sing independent. And your Lordships will not, upon a doubtful construction of a Persian word—if such a Persian word does exist—do away the faith of British treaty—do away the faith of British guarantee, and all the sanctions of British justice. 11 APR. 1788.

Having given the papers in evidence, it is necessary I should point out how much is well and how much ill founded.

The next defence he makes is a letter which he quotes from the fifth Report, where he states that here was precisely the place to have pleaded his right of possession and title of inheritance. "I will agree," says Bulwant Sing. "to hold Benares and Gauzipoor, &c., which have long been under my jurisdiction, on the same terms from the Company as I did from Suja-ud-Dowla." Here, says Mr. Hastings, was precisely the place to have pleaded his right of possession, and his title by inheritance; instead of which, he only says those places had long been under his jurisdiction; which, if any meaning be annexed to the words, must imply that they were not always so. Whether they were always so or not I don't care. This letter was read to your Lordships yesterday. It is a proposal contained in a letter from the Raja Shitab Roy, who was in one of the highest offices under the Mogul government in that country. And if Mr. Hastings had gone on to the end of that letter, and stated it fairly, his whole argument would have been at an end. For the concluding words are these,—and that person from his rank is competent to know what he asserts,—he says, "the Rajah is a man who adheres to his engagements, and is a person of high rank, a zemindar of a frontier country." Mr. Hastings garbles the letter in the Defence; because, if he had gone on to the end of the letter in that Defence, the whole argument would be cut up and put an end to.

Rights of fining asserted by Mr. Hastings.

The next defence Mr. Hastings chooses to set up are three several rights of fining. He has been so good as to detail them at length. The first is, because Mr. Francis and General Clavering annexed a penalty to his coining bad rupees in the mint, and that penalty was a forfeiture of the mint. The next is, that Suja-ud-Dowla levied a fine on the death of the father for investing the son.

* See the "Minutes of the Evidence," p. 14.

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The third right to fine is, that, "had not our powerful interposition prevented the consequences of Bulwant Sing's treachery to his master in 1764, Suja-ud-Dowla would probably have exerted with signal rigour a third right of fining, and have furnished me with a precedent full in point to my treatment of Cheyt Sing."

The first right of fining, your Lordships observe, is this,—"I gave you the mint, which you never had before, and I make a bargain with you that if you coin bad money you shall forfeit that mint." That is not a fine, it is the condition of a bargain.

The second right to fine, according to Mr. Hastings, is, Cheyt Sing had no right to succeed to the territories, and he made another bargain with Suja-ud-Dowla. How they are any rights of fining I cannot understand. They are conditions which two persons making a bargain impose upon their bargain, and no right of fining of any description.

The third is a right of fining which, according to Mr. Hastings' own expression, never existed; but if it had existed it would have been a precedent full in point. Now, if it had existed, it would not have been in point; Bulwant Sing had then joined our forces in our camp, and his sovereign, if he could have conquered his country back again, would probably not have put him again in posession of it. But, because Suja-ud-Dowla would have put him out of those territories when in rebellion, therefore we were to put him out when in no rebellion at all. Therefore this right of fining was, according to Mr. Hastings' own definition, that which never existed at all. But your Lordships will not suffer power and right to be so confounded as it is by Mr. Hastings throughout this Defence.

His assertion of despotic power.

Mr. Hastings conceives he has a right to do everything which he has a power to do. Nay he goes farther a great deal; for in the latter part he tells your Lordships that "sovereignty in India, implies nothing but despotism." I know not how you can form an estimate of its power but from its visible effects. I don't dispute that it is in the power of a despotic sovereign to be unjust; but I deny that he has a right to do any act which the most equitable and mild sovereign could not do. He is not to measure that right by the extent of his power. Then he goes on to say:—

"The whole history of Asia is nothing more than precedents to prove the invariable exercise of arbitrary power. To all this I strongly alluded in the minutes I delivered in Council, when the treaty with the new

Vizier was on foot in 1775; and I wished to make Cheyt Sing independent, because in India dependence included a thousand evils, many of which I enumerated at that time, and they are entered in the ninth clause of the first section of this charge. I knew the powers with which an Indian sovereignty is armed, and the dangers to which tributaries are exposed; I knew that from the history of Asia and from the very nature of mankind the subjects of a despotic empire are always vigilant for the moment to rebel, and the sovereign is ever jealous of rebellious intentions. A zemindar is an Indian subject, and as such exposed to the common lot of his fellows. The mean and depraved state of a mere zemindar is therefore this very dependence above mentioned on a despotic government, this very proneness to shake off his allegiance, and this very exposure to continual danger from his sovereign's jealousy, which are consequent on the political state of Hindoostanic governments. Bulwant Sing if he had been, and Cheyt Sing as long as he was, a zemindar, stood exactly in this mean and depraved state by the constitution of his country. I did not make it for him, but would have secured him from it. Those who made him a zemindar entailed upon him the consequences of so mean and depraved a tenure. Aliverdi Khan and Cossim Ali fined all their zemindars on the necessities of war, and on every pretence either of court necessity or court extravagance."* 11 Apr. 1788.

These are the precedents which your Lordships are desired to follow. The history of Asia is nothing but the continued practice of arbitrary power. Be it so, my Lords. That there is a great deal of oppression, injustice, violence and cruelty, to be found in the history of Asia I don't dispute. But I will not try Mr. Hastings by the abuse of rights. I will not allow him to set up infractions of justice and of law in order to make precedents for defending himself. Let him go to the laws of Asia if he pleases, and I would follow him there for the purpose of trying him. It is not by the law of the country—it is not by the principles of justice—it is not by the principles of humanity—that he wishes to be tried; but it is by the practice of wicked and arbitrary princes,—by the practice of Aliverdi Khan and Cossim Ali Khan.

Let me ask your Lordships if, in the later periods of the Roman history, any Governor from the East had been brought before the Senate of Rome, even at the moment when it was in its most depraved and degraded state, when so brought would he have told them, "Yes, it is true I have ravaged your countries—it is true I have ravaged Asia—it is true I have despoiled Cilicia—it is true I have banished from their dominions the allies of the Roman people—all that is true; but I desire that you will not try me by any principles of morals or religion which are to be found in your own

* Hastings' Defence before the House of Commons.—Printed in the "Minutes of the Evidence," &c., p. 28.

11 Apr. 1788. hearts. I desire you will not try me by the laws of Asia. I desire that you will not try me by the laws of Cilicia. Try me, not by your own mild institutes—try me, not by the institutes of Justinian—try me, not by the laws of Ulpian—but try me by the practices of Nero and Caligula, and no doubt I shall be acquitted. Try me by the practice of Aliverdi Khan, who murdered his father; try me by the practices of Cossim Ali Khan, who betrayed his master: no fear I shall be acquitted. They fined their zamindars upon every instance of court necessity and court extravagance; establish to me that court necessity and extravagance as a sufficient reason for doing what I have done, and no fear I shall be acquitted by any tribunal."

I know your Lordships too well to have the most distant idea that you can listen for one moment to such arguments, or ever permit such an idea to enter into your minds. You will try him by the principles of justice. You will try him by the principles of law. You will try him by the practice of your ancient ancestors, executing that great delegated trust of justice now in your Lordships' hands, and not by any principles of court necessity and court extravagance, which are the only points by which this man wishes to be tried.

Having gone through, and I am afraid taken up too much of your Lordships' time upon, this part of the case, I shall now bring your Lordships to the next Article in the charge—which is the posterior conduct of Mr. Hastings after the expulsion of Raja Cheyt Sing.

Your Lordships know extremely well that, if I have made out a crime in the first part of this Article, it is sufficient to gain a conviction upon it, whether Mr. Hastings be innocent or guilty in any of the other parts of the Article. They are distinct crimes; distinctly stated; and not part of this great crime ending with the expulsion of Cheyt Sing.

Now, with respect to the remainder of the Article, it divides itself into two parts. The first respects the seizure of the treasures found at Bidjey Gur; the other part the settlement under Mehipnarain, and the various settlements under Durgbejey Sing and under Jagger Deo Sing.

This part was so very fully stated and ably canvassed by the honourable Manager who went before me in stating this business, that your Lordships would think I took up too much of your time if I went much at large into it; but I must call your Lordships' attention to the two letters under

Mr. Hastings' letter to Major

11 Apr. 1788.

Popham respecting the treasures taken at Bidjey Ghur.

the authority of which that division was made; to show the strange, inconsistent, manner in which this man acts.

Your Lordships will see by these two letters he expressly writes to Major Popham thus:—

"Secure the fort for the benefit of yourself and your detachment. Whatever you give her (the Rani) is your business, not mine; make what bargain you like. I desire you to make no conditions with her, even for a provision."

Major Popham would not act so: he did make a bargain with her for a provision; he allowed her fifteen *per cent.* upon all that was to be found, and divided the rest under the authority of Mr. Hastings' letter.

My Lords, it is now said that those letters are no authority. Whether they are or not, it is stated as a licence given by Mr. Hastings to do this. Whether he had authority to do it or not I do not care: he did it. He granted them a licence to do that which he himself in another part of the business says was to be avoided like poison. "The very idea of prize money," says he, "suggests to my mind all the dangers that formerly belonged to it; it is to be avoided like poison." But in the year 1781 he says, "Secure the fort for the benefit of yourself and your detachment: it is your business and not mine." So says Mr. Hastings at that time. Now what is the defence? Why in truth these letters are not orders. Your Lordships will hear from some of our friends who are to open some other charge something upon that distinction. A letter which begins "Dear Sir," is no order; but a letter which begins "Sir," is. A letter which finishes "Dear Sir" is no order, nor a letter that finishes "Your's affectionately." These are the distinctions. Will your Lordships sanction these distinctions, or judge from the sense of the letter? It is the only ground of defence Mr. Hastings takes that this letter began familiarly "Dear Sir," and did not begin formally "Sir:" it therefore is no order. If your Lordships acquit him upon this you must adopt that reasoning, for you have no other reasoning upon which you can go to the only ground he has given for acquitting him upon that part.

Your Lordships will look at the letter, and will see that the letter which could authorise the march of a detachment, which could sanction a capitulation and regulate the army in various points, would be a sufficient authority for Major Popham to do that which he did. If it was private in one case it could not be an order in the other. But, be it order or not, it was a licence given by Mr. Hastings, who had

11 Apr. 1788. authority, as he himself states, to do it; because he had all the authority of Governor General and Council, and nobody disputes they have authority to do it. Therefore in that way it was a licence from Mr. Hastings to do that which he did; that is, to bring that upon the army which was "to be avoided like poison," which was forbid by the authority of their masters and reprobated again and again by Mr. Hastings himself.

The subsequent settlement of the province of Benares.

Now, let me call your Lordships' attention shortly to the subsequent settlement. We will suppose for argument that Cheyt Sing had been guilty of what was sufficient to deprive him of the zamindary: but is the guilt of Cheyt Sing a reason for oppressing every inhabitant in that zamindary? If the ancient tribute continued, the next heir ought to have succeeded. And here again I must call your Lordships' attention, as my honourable friend did, to the strange inconsistency of Mr. Hastings. In one paper, Mehipnarain is called in terms the lineal heir; in another, the only justification that he offers for raising this tribute to an extravagant height is because he was not the lineal heir. "I thought I might bring some of the superabundancies of that province into the exchequer." In one case he is stated to be the heir, in the other the exorbitance of the tribute is grounded on his not being the heir. How to reconcile that I know not: but this I know, that, whether he was heir or not, Mr. Hastings had no right or authority to oppress and ruin that unhappy country. If he was the heir, he had a right upon the expulsion of Cheyt Sing to have succeeded him; for he and his country never had been in rebellion. If he had no right to the rajaship, the inhabitants of that country had a right to live under their ancient establishment. They were not to be oppressed because Mr. Hastings had received personal offence from Cheyt Sing, or because Cheyt Sing had rebelled. Your Lordships have now in evidence before you that this arbitrary tribute was raised to 400,000*l.*, a sum far exceeding [the resources of the country], as your Lordships heard from the witness yesterday:—and your Lordships must have remarked how unwillingly that came from him. Your Lordships will not be astonished at that when I have read to your Lordships to-day that he was appointed Assistant Resident upon the removal of the just —of the honest — Mr. Fowke. Upon the removal of Mr. Fowke, Mr. Benn was appointed Assistant Resident. He might have been of the party to be at Benares; whether he

Tribute raised to 400,000*l.*

Mr. Benn's evidence.

was or not I don't know; but he was appointed in consequence of that removal, and upon that removal only. He told your Lordships the country cannot pay 400,000*l.* consistently with any allowance to the Raja. How was that matter settled by Mr. Hastings? We are to take 400,000*l.*, the Raja is to have 60,000*l.* a year. I am to take a tribute from that country which will leave the Raja starving. I nominally give him 60,000*l.* I know the country will not produce it. He has it not. The descendant of Bulwant Sing, who was of signal service to you, must be reduced to beggary, want and ruin, under a nominal income of 60,000*l.*, owing to Mr. Hastings having raised the tribute too high for the purpose of obtaining 400,000*l.* to the Company. And under what circumstances and in what situation did he do it? Your Lordships know that, in 1775, the mint was given to Cheyt Sing; it was given to him because the want of it had been a great grievance to his predecessor. The mint is taken from Mehipnarain for no other purpose than to put the money into the pocket of the Resident, Mr. Markham. The profits of the mint will be seen in the deductions claimed by Durgbejey Sing: he is allowed 16,000 rupees a year as a compensation for the mint. Your Lordships have it in evidence over and over again that the profits of the mint were taken from the Raja, the Prince of the country, for a job to an English Resident. 11 Apr. 1788.

Monopolies reserved to the Resident.

The country was to pay 400,000*l.* a year to the India Company—under what circumstances?—with a monopoly to the Resident of opium, a monopoly to the Resident of saltpetre, the most lucrative commodities in which there is any trade in that country: all the profits of these commodities are to go into the pocket of the Resident. It was a long time before Mr. Benn would confess that the trade in opium was a monopoly: at last he did say it was one in the only sense in which a monopoly could be, namely, that nobody could buy or sell but the Resident. If that be not a monopoly I do not know what is. The trade in saltpetre is exactly in the same situation. Mr. Benn stated the profit upon opium to be about 4,000 or 5,000 rupees a year. So that this poor unfortunate Raja, under a semblance of a revenue of 60,000*l.*, which it is in evidence to your Lordships he never received and he never could receive, is stripped and robbed, for no other purpose than to put profit and emolument into the pocket of an English resident. He is to have the profits of the mint, he is to have the profits of

11 APR. 1788. opium, he is to have the profits of saltpetre, and the revenue of this unfortunate country is to be raised upon that unfortunate people, their commerce cramped, their hands tied up, and the most lucrative branches of their trade put into the hands of private individuals. So stands the state of this settlement.

Expulsion of Durgbejey Sing.

Now, let me call your Lordships' attention to the extravagant and violent expulsion of Durgbejey Sing. It is in evidence that the first eleven payments, that is, the first eleven months of the year, had been regularly, fairly and at stated and proper times, paid to the Resident, and of the twelfth month two lacs of rupees were paid, three lacs more were paid in the month of April.

Let me call your Lordships' attention to Mr. Hastings' own sentiments when he settled that tribute. He says,—

"Although I am convinced that, with proper encouragement, the zemindary might yield an amount considerably exceeding that which I have taken as an estimate of its value, yet I must express my apprehension that, unless the Naib can find means to avail himself of better official assistance than he at present possesses, his real profits will fall below the allowed amount. But, on this account, I have encouraged him to hope that, if he shall prove himself diligent in his office and punctual in the discharge of his kist to the Company, he may hereafter obtain from the indulgence of the Board some remission from the stipulated jummah, whenever the actual demands of the Company shall be lessened and the state of their treasury will admit of it. And this I shall recommend as an act of generosity becoming their former relation to this province, and equally warranted by the principles of good policy. For there are certain lines beyond which the exaction of a public revenue will not only defeat its own purpose, but operate as effectually to a reduction as an intentional act of bounty could do."

In the very moment that Mr. Hastings is making this settlement, at the time that he is stating it to be 40 lacs of rupees, he tells you,—

"I know it is too high: prepare yourself against a proposal that I shall make to reduce it. I state this to you now that any future proposition may not appear to arise wholly from the instant occasion of it. I state that to you that you may not be surprised and think I am doing anything wrong, if, some time after, I come with a proposition to lower the tribute."

With such an idea in his mind at making the settlement, what does he do? Eleven months are paid with the utmost regularity; part of the twelfth month is in arrear. That unfortunate man the Raja, as appears from the letters of Mr. Markham, had been confined by illness for two months; a part of his tribute was in arrear. The tribute is acknow-

ledged by Mr. Hastings to be too high: it is confessed, at the very time of making the settlement, to be far too high. The Raja is expelled, and thrown into prison, and his whole estate sequestered for the purpose of the payment of this sum. My Lords, this unfortunate man was kept in prison till he died, and, at the same time that he was kept in prison, his whole jagir of 60,000*l.* a year was sequestered for the use of the Company, that is to say, for the purpose of the payment of a debt of 12,000*l.* or 14,000*l.*, which is the whole amount of the kists due that year unpaid. An estate of the value of 60,000*l.* a year is taken from him and kept in the hands of the Company for four or five years, and he kept in prison too. Was there ever such injustice? Can your Lordships sanction it, and not see that the moment a man begins to deviate from the path of right there is no point at which he will stop; but he will go on altering, shifting, changing the circumstances of the country, just as suits his own private occasion. 11 Apr. 1788.

It is further stated in the Article that Mr. Hastings afterwards, without any authority from the Council, put another person, Jagger Deo Sing, in that situation by the authority of Mr. Markham. Mr. Hastings says he was too far from the Council to consult them; though he was at Nia Sirai—a place about twenty miles up the country from the Ganges. It was too far for him to consult his Council at twenty miles distance; but it was not too far for him to send an order 200 miles for expelling Durgbejey Sing and appointing in his stead another Naib. This person did not continue long in his favour; for, about a year after, this identical person is expelled from his dominions and his territories, because he was afraid of Mr. Hastings. Mr. Hastings made it a point to collect the whole tribute: the country could not pay it: he was expelled for collecting it. The other did not collect the whole tribute, and he was expelled for not collecting it. Having done this, Mr. Hastings gives an account of the miserable state to which he had brought that country.

In this letter, where he advises again to turn off Jagger Deo Sing, and to appoint another person, he says:—

"I am sorry, that from Buxar to the opposite boundary I have seen nothing but the traces of complete devastation in every village, whether caused by the followers of the troops which have lately passed for their natural relief,—and I do not know whether my own may not have had their share,—or from the apprehensions of the inhabitants themselves, and of themselves deserting their houses; I acquit my own countrymen of this." Expulsion of Jagger deo Sing, State of the province.

11 APR. 1788. Because, forsooth, at one place the inhabitants had fled—and says Mr. Hastings, no wonder, for the amil had fled too—I acquit my own countrymen of this; for no better reason than that because the terror of British troops coming into that country is so great, the devastations they have committed have been so enormous. And your Lordships have an account of those devastations in the report of Mr. Benn, where it appears that they robbed the farmer of his grain, and paid him in many cases not a fifth of the price that ought to have been paid him: in some cases it was a hundred *per cent.*, in other cases 120, below the market price. These devastations committed by the British troops had excited such an alarm in the whole country that, in truth, not only the inhabitants of the village, but the very persons in execution of power and government fled too.

And Mr. Hastings set up this, by a strange mode of reasoning too, as a justification of the conduct of the poorer inhabitants—that not only the poorer fled but the higher men too; and because they fled, says Mr. Hastings, I acquit my own countrymen: because the terror was so great that even the magistrates themselves durst not abide in their situations, therefore I acquit my own countrymen; because the magistrates ought to have stayed and protected them. They knew the fact, they could not protect them. They had felt the robbery, devastation and plunder, committed by these sepoys in the different marches they had made in the country, and no wonder there was devastation in every village.

Upon the faith of this ocular demonstration of Mr. Hastings, he soon expels Jagger Deo Sing from his situation and sets up another person. Now, it has been stated in the evidence by Mr. Benn—and what sort of evidence Mr. Benn gives, your Lordships know—that the country was in a flourishing state in the years 1783 and 1784, when this happened. I care not whether your Lordships take the account of Mr. Benn or Mr. Hastings. If it was in a flourishing state, for what good purpose could Mr. Hastings describe it as he has done in this letter?—for what good purpose could he tell you that there was devastation from end to end of the country; that it was ruined and in danger of a rapid decline; that everything was going into confusion as fast as it could from the oppression and poverty that attended it, and the famine likely to come upon it? If it was in the flourishing situation described by Mr. Benn, for

what purpose could Mr. Hastings write this letter, unless it was to serve some private purpose, falsely to accuse Jagger Deo Sing, and set up some other person of his own? If your Lordships take Mr. Hastings' account, you see the destruction, the confusion and devastation, he has brought upon this unhappy country. 11 Apr. 1788.

Conclusion. My Lords, I have now finished what I have to offer to your Lordships. I am afraid I have taken too much time about it; but the subject is great and important; great minuteness and detail was necessary. Having finished it, I am sure your Lordships will be satisfied, comparing the evidence you have heard, that the Commons have not brought before your Lordships a light or a frivolous charge. They have not brought before you a charge which they could not substantiate by evidence; nor have they brought before you a charge supported by evidence garbled and mangled. Your Lordships have printed the whole of the minutes which related to any of the subjects from which the Commons read a word; and your Lordships will see from that the faithfulness, the justice, the attention, which the Commons have paid to this business, in producing those parts of the minutes, and those only, which would materially affect the points in question. But, from the mode which your Lordships have taken to print it, though it may be more laborious to your Lordships to read, yet I am sure it will leave this impression upon your Lordships' minds, that the Commons have acted fairly, honestly and honourably, in producing their evidence, and that they have brought a weighty and consequential charge before your Lordships, which loudly calls for the interposition of this High Court, in punishing that person who has been guilty of what we state to be an atrocious breach of British faith; acting under the authority of a British government, in the highest situation almost a British subject can be placed in, and most unquestionably in that trust above all others which requires the most attention, because the person has it most in his power above all others to do evil.

OBSERVATIONS OF THE RIGHT HON. EDMUND BURKE, MANAGER FOR THE HOUSE OF COMMONS, ON THE EVIDENCE ON THE FIRST CHARGE; 11 APRIL, 1788.

MY LORDS,—I do not know whether it will be necessary (though I take it we are fully competent and right to do it) to make any considerable observations upon the evidence that has been lately delivered at your Lordships' bar.

Observations on Mr. Benn's evidence.

The first thing that your Lordships will remark is the character, situation and competence, of the evidence. The person who gives the evidence against Durgbejey Sing was one of the principal instruments employed in oppressing him.

My Lords, you are to judge what degree of credit is to be given to an oppressor, measuring the quantity and rate of his oppression. Your Lordships are to judge and decide whether the man who acts as an imprisoner—a gaoler—is the proper person to tell how much a prisoner suffers. Your Lordships know whether a person who is an instrument in doing the wrong would not be, by the very nature of his situation, disposed to alleviate the wrong of which he is the instrument. With these reflections I readily commit it to your Lordships to judge whether the long imprisonment of Durgbejey Sing for a small balance, after a confiscation of a great estate, is or is not a hardship. If it is not a hardship in the opinion of Mr. Benn, I trust it will be considered to be a grievous hardship in the opinion of your Lordships. The person whom this unfortunate Durgbejey Sing represented, and whose father in law he was, had had his whole allowance sequestered in the same manner; when he was obliged to go in debt to the banker of Benares, as we proved to your Lordships yesterday in the petition of Mehipnarain, transmitted in a letter of Mr. Hastings of the 14th of March 1784. Your Lordships will then judge whether, with such an estate sequestered, both from the actual person in the administration of the power of the country and from his father-in-law administering it, whether they, plunged additionally in debt to the banker, are or not to be considered as suffering a grievous hardship for this small balance; and whether your Lordships do not see more of oppression,

Imprisonment of Durgbejey Sing.

cruelty, tyranny, and of revenge in it, than any disposition to secure that object of which they missed at last. 11 Apr. 1788.

Your Lordships will remark, not only upon the credit of the evidence, but on the defects of it. Not one word has been attempted to prove that this unfortunate man, who died in the hands of persecutors and oppressors, had any worldly estate to answer the demand. Your Lordships know there is a total failure of proof There is not an attempt made upon any part, nor have we by all our researches been able to discover, that this unfortunate man who died in prison did not die—nay I trust we shall prove hereafter that he died — absolutely insolvent; that they were pursuing an insolvent man for a falling revenue, which they knew at the time they imposed it was excessive. They took away from him likewise the power to produce that revenue. From these things your Lordships will judge whether it was a proper, coercive, judicious, mode to get a balance of revenue which was recoverable, or whether it was not a cruel oppression of a man, upon whom first an exorbitant demand was made, and who, upon failure of power in the country to answer that demand, was a victim of that cruelty and oppression that originally made the demand upon the country. His insolvency.

The part I would recommend principally to your Lordships' attention, is this miserable and unfortunate prince, whose father-in-law was in this cruel manner imprisoned, and who died persecuted to the last. Your Lordships will hear what his son says, "Out of regard to the orders of the Presence, and hoping the release of the Mahals, I paid the demands of the sircar* through Gopaul Doss"—that is, a great banker at Benares. "Notwithstanding which my jaghire is still in sequestration, and from the day of my exaltation to the Raja I have not received a single dàm of the established allowance for support and †sebundy."‡ Here is the man who is ostensibly put into the government, by Mr. Hastings' order, and not his own desire—consenting to be sure to it, because he could not refuse his consent to any arrangement—this man is stripped of his allowance, to answer the deficiencies of another, and that other imprisoned after this person has plunged himself into debt to the usurers at

* The government.

† "Sibandi," charge for the expense of troops.

‡ "Petition of Raja Mehipnarain."—Printed in the "Minutes of the Evidence," p. 326.

11 Apr. 1788. Benares to pay it, and had paid it, as he asserts, and which is nowhere disproved.

Degradation by imprisonment.

My Lords, an attempt has been made to prove that an imprisonment of a principal magistrate and a great ruler of that country in such an outrageous manner does not lessen his consequence, and is held to be no disgrace. To that we shall answer in the words of a great Prince, once Sovereign of that country, that is, Suja-ud-Dowla. Suja-ud-Dowla is of opinion, upon a question of much less consequence and concerning a much less people, that it is the greatest of all possible disgraces.

> "My friend, the case is that all the infantry in my service knew the custom of the army, that if any one commits a fault he will be imprisoned for it, and think nothing of being put under a guard. But there are other Hindostanies and the Najib battalion, and others in my service, who consider it as the highest disgrace to be put under a guard; and if any one attempts it they will defend themselves against it, and rather lose their lives than submit to such a dishonour."*

My Lords, it is a disgrace and must be a dishonour to all people. He says there are some battalions of infantry of a lower kind of sepoys who consider it as no disgrace; but those who serve in the battalions of a somewhat higher order —there are other Hindustani, the natives of this country in which Mr. Benn thinks it no disgrace to be imprisoned— who consider it as the highest disgrace to be put under a guard, and if any one attempts it they will defend themselves against it, and rather lose their lives than submit to such a dishonour.

After this, will your Lordships believe that it was nothing to imprison a person in the situation of Cheyt Sing?—that it was nothing to imprison a person in the situation of Durgbejey Sing, who was the father of the reigning Raja of the country, and intrusted with the actual administration of it?— that it answered no purpose to imprison him? I need not press nor trouble your Lordships very much, because it is plain that the man died in their hands. If they looked for vengeance they had it: they oppressed and ruined him. If they looked for revenue they missed it: they never recovered it. The person died insolvent, and they knew all along that he was so. This is sufficient to remark upon this kind of posthumous evidence.

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* Letter to the Governor General, dated 28th November, 1774.—Printed in the "Minutes of the Evidence," p. 281.

Now I shall only say one word as to the punishment of the hooka, which is likened to a taking away a snuff-box. If there is a great revenue which it is necessary to exact by means of severities, can any one present to your Lordships anything more ridiculous than coercing a person who is debtor to the sovereign by depriving him of his snuff-box? It is evident that this was a personal insult, to render confinement and degradation more bitter, and it could answer no other purpose. If no more was intended, it was an affront and outrage, but could never be a coercive process of law to recover a great debt due to government. It sufficiently shows in what manner they proceed. They first imprison him; they deprive him of his rank, his consequence—sequester his fortune; they deprive him of his liberty and his honour; and then don't even allow him his snuff-box to console him in his misfortunes. That circumstance is an aggravation; it is a proof of the severity they treat him with, which they attempt to make light of it. If it is light, why do it? It is an outrage to a man who has nothing but his snuff-box left. You will let him have none of those poor miserable consolations which comfort distress, and make people forget their misfortunes in the small amusements by which our nature, when reduced to its lowest state of degradation, takes comfort. But when you talk of the hooka—the snuff box—to those who enjoy, as your Lordships do, rank and dignity—who enjoy, as your Lordships do, large and plentiful fortunes—when in those situations you talk of the loss of a snuff-box, you talk of little; but if you talk of a peer of this kingdom, degraded from his rank, stripped of his situation, imprisoned by his enemies without hearing, called to account without the means of accounting, under the general sequestration of all his fortune—if you were to tell of the insult of a gaoler who deprived the miserable man of his snuff-box when nothing else was left him?

11 Apr. 1788.

Durbedgy Sing's deprivation of his hooka in prison.

I remember that a poor miserable man, confined in the Bastile in the manner in which Durgbejey Sing was in India, had trained a spider to relieve him in the midst of his anxiety, and he employed himself in the play of that spider. He bore the torments and the miserable allowances of the Bastile; he bore the deprivation of his friends; but when they came and killed his spider the man fell into despair and agony, and all he suffered was nothing in comparison of it. To people in affluence, ease, power, authority and liberty, these things are nothing: put to ruin, to disgrace and im-

11 Apr. 1788. prisonment, the last miserable consolation is found out by the researches of mankind. Deprived of everything great and advantageous, the taking these from them degrades them and fills up the cup of their misery; and Mr. Benn has proved they had nothing else left to coerce this poor man with than by depriving him of an amusement in his solitude. What these people consider light your Lordships will I trust and believe consider as matter of great aggravation.

Question in of Cheyt Sing's caste.

My Lords, this is what I little expected, and therefore was little prepared, to observe upon; but I shall beg just to observe upon another circumstance that is much insisted upon—that is, that Cheyt Sing was not a sacred person. My Lords, with regard to who he was—what his caste was or what his character—I declare I am not enabled or instructed to prove. It comes upon us at a moment when we are not prepared; for Mr. Hastings in no part of his Narrative—in no part of his Defence before the House of Commons—throughout all his large and voluminous correspondence upon this subject—has said one word of the situation and caste of Cheyt Sing. Whether, therefore, he was of the sacred caste of the bramans, in whose hands the whole government of the country was for many ages, but whose religion has been of late trampled upon by the prevalence of Mohammedan power—or whether he was of the rajepoot or noble caste, which is the warrior caste likewise—I do not know. I have heard some people say—it is not in any part of the charge—some people have considered that, because he reigned at Benares, he was a braman; and many great Rajas of the country are bramans. But whether of the rajepoot or braman caste I know not; but an insult offered to a great prince, considered within his dominions as a despotic prince, with power of life and death—bound as every caste of the Hindus is to great religious observances—in the moment of his distress, when he flew to the last resource of misery, that is to God, in prayer, in his chapel, which is the place in which he was found—in an open chapel called Shewallah Ghaut—at the moment of his devotions, when, abandoned apparently for a moment, derelicted by his people, persecuted by those who by treaty, by every principle, tie and obligation, were bound to protect him, he retired for a moment to his prayers, to go to that last resource of misery, which indeed ought to be the resource of mankind in all times, as well to praise in prosperity as pray in misery, but is peculiarly sacred in times

The insult offered him while at his prayers.

of misery—misery in itself is sacred; misery in prayer is doubly sacred, because it is there in a place of sanctity—and that this great and falling prince, in the very moment of his prayer, when, oppressed by mankind, he is flying to our common Judge and common Refuge—that just at that moment the vilest of mankind should be sent to insult him—to break upon him in those devotions, the fervour of which in those people is known to all the world—if he was not a braman and a high priest, yet he was a prince; a man in misery; a man in misery prostrate at the feet of our common Father, to whom we all fly for refuge—at that moment to send the vilest of mankind, a servant dismissed from himself, to insult him in that prayer, was and did justify the manly spirit of his subjects, who did to that wicked man what you would wish every friend and faithful subject would do if you saw your Prince insulted in this manner. They did their duty; they killed this man: and every man would deserve the same fate who dared insult a dignified person fallen into misfortune and at his devotion; and it would make no difference whether the person be a bishop or a peer. 11 Apr. 1788.

I believe, if the Chancellor of England was insulted at his devotions, and some person, not acquainted with his situation but knowing his zeal for the church and other circumstances consonant, took him for a bishop, that if he was insulted in the same way at his devotions, with the same mistake, and he was found to be the Lord High Chancellor instead of a bishop, it would not have lessened the offence, but made the natural and just impression upon your Lordships' minds which I trust it will make upon the minds of every person in the kingdom.

I beg pardon for saying a word: for any one that could add, or think he could add, to the noble, manly, speech made before you, in the best and noblest cause, would be a person that would be guilty of the temerity of which I should never be guilty anywhere—much less in this awful presence.

SPEECH OF WILLIAM ADAM, ESQ., MANAGER FOR THE HOUSE OF COMMONS, IN OPENING THE SECOND CHARGE, RELATING TO THE BEGUMS OF OUDE; 15 APRIL, 1788.

MY LORDS,—I am commanded by the Commons to lay before your Lordships the second Article of Impeachment against Warren Hastings.

My Lords, when I say I am commanded so to do, I speak in a manner in the literal sense of the word. I am perfectly conscious of my inability to discharge that duty; and I reflect that those who have commanded me to lay this Article before your Lordships, heard the duty in their House discharged upon this Article in such a manner as to terrify the boldest and those who may have the most confidence in their ability. It is, therefore, my Lords, a command which I have to execute, not a situation which I have solicited; and I bring before your Lordships, I am afraid, little more than zeal to recommend me—zeal founded upon the clearest and most decided conviction, after the most minute and laborious inquiry, that those facts which I have to state to your Lordships, and that matter which I am this day to lay before you, contain a body of such high crimes and misdemeanors as well warranted the Commons to have preferred this Article of charge at your Lordships' bar.

Difference between the crimes included in the Articles of Impeachment and those tried in ordinary courts.

Your Lordships will observe in perusing these Articles, and in comparing them with those statements of crimes that take place in the other courts of criminal judicature in this country, that there is a wide distinction between this species of crimes and those which are discussed there.

In every civilised society all the relative duties between man and man are clear and distinct; they are all perfectly understood. Every one knows that he is not to infringe his neighbour's property; every one knows he is not to take his neighbour's life; every one knows he is not to bear false witness against his neighbour; every one knows that transgressing any of these rules is a breach of duty: there-

fore all preliminary matters in common crimes are unnecessary to be stated. 15 Apr. 1788.

My Lords, it is not so in cases of high crimes and misdemeanors. It is not so in such crimes and misdemeanors as these. It cannot be so in any political question out of which misdemeanors arise; and if those political questions are involved in history and long detail, it becomes absolutely necessary that the judges who are to try the cause should know, and that the parties who bring the cause before them should state upon record, those rights and those duties which are left out in the proceedings in common courts of judicature. These [are the] circumstances that make this Article, and all articles of high crimes and misdemeanors, of greater prolixity than the proceedings in common courts of law. But although they are prolix they are therefore more beneficial to the person against whom such charges are made. They state, they detail the rights and duties, and they assert te acts which are the violation of those duties and the violation of those rights. My Lords, that is the form in which the Article I have the honour to lay before your Lordships appears. Your Lordships will find that it contains every constituent part of a crime. That it contains allegations of the rights, in the first place; contains allegations of the duties, in the second place: and contains allegations of acts in the last place, which are the violations of those rights and of those duties. Prolixity of the Articles.

My Lords, I am perfectly sensible, from the investigation which I have had an opportunity of giving this subject, that I have little more to do in this business than to make the matter clear. My Lords, perspicuity shall be my aim; because I am perfectly convinced that if I can only instruct your Lordships' understandings I am certain of convincing your judgments. With that view, I will do a thing which perhaps has not been frequent in courts of common judicature, which has not hitherto been practised here, which perhaps may be a little tiresome to your Lordships, but will tend to perspicuity. I will endeavour to state to your Lordships, before I proceed to narrate the evidence which is to prove it, the different parts of the Article which go to those three different heads which I have stated the Article to contain. I will even venture to ask your Lordships' indulgence to permit me to state it thus minutely. Your Lordships are possessed of the printed copy of the Articles. Your Lordships will find, upon enumerating them, that this Article contains thirty

15 Apr. 1788. paragaphs. I will proceed to state to your Lordships [the substance of each paragraph], in such a manner that if your Lordships have the inclination you may insert my statement upon the margin of the different paragraphs of that printed Article which form the different allegations necessary to be proved and made good in this charge.

Contents of the several paragraphs of the Article.

The first paragraph of the Article contains an allegation of the rank and condition of the Princesses of Oude; for this Article charges Warren Hastings with various acts of cruelty, oppression, tyranny, violence and breach of faith, towards those persons who, when I come to state the evidence upon that part of the charge, namely, upon the first paragraph, I shall prove to your Lordships to be persons of high rank and birth, of great property in consequence of that rank and birth, and possessing a variety of rights, all of which show that it was impossible for him to act as he did without being chargeable before your Lordships with those high crimes and misdemeanors with which the Commons charge him.

The second paragraph contains allegations respecting the property of the Princesses of Oude.

From the third to the seventh paragraph your Lordships will find allegations respecting the guarantee of the East India Company, through the medium of the Governor General and Council, Warren Hastings being the Governor General, of the rights and property of the Princesses of Oude; that is, the third to the seventh paragraph inclusive, contain allegations respecting the guarantee to the younger Princess, the wife of Suja-ud-Dowla and mother of Asoff-ud-Dowla—a person who was left in possession of great property by Suja-ud-Dowla at his death.

The eighth and ninth parapraphs contain Mr. Hastings' opinions and transactions in confirmation of that solemn guarantee.

The tenth paragraph contains the guarantee to the elder Princess, the mother of Suja-ud-Dowla, the grandmother of Asoff-ud-Dowla, and a person, as I shall have occasion to state to your Lordships, of very high rank and quality in Hindustan.

The eleventh paragraph and the twelfth relate to another branch of the subject; for with the tenth paragraph concludes the rights of the Princesses of Oude—not only their rights, as absolutely possessed by them, but as guaranteed by the India Company. Then there is a statement of the duties of the Governor General, particularly the duties of Warren

Hastings. With regard to the duties of his office your Lordships will observe that they are stated in the preamble to the Articles; and your Lordships will have in mind that all the statement that is necessary respecting that is fully before your Lordships, when I shall have occasion to allude to his absolute duties, unconnected with any transactions of his own, accumulating upon himself additional responsibility. He does, however, accumulate upon himself additional responsibility by various acts. Those acts are set forth in the eleventh, twelfth and thirteenth, paragraphs of this Article. There is another circumstance which adds to his responsibility, and makes him, with regard to the country of Oude more peculiarly responsible, set forth in the fourteenth and fifteenth paragraphs, namely, that the country of Oude was dependent upon the government of England in India, and more peculiarly upon the Governor General; and that the Governor General, Mr. Hastings, invested Mr. Middleton, the Resident at Oude (whose situation I shall have occasion hereafter to explain), with full power and authority to transact the whole business of government in the country of Oude. 15 Apr. 1788.

Then there come two paragraphs of general conclusion. The eighteenth paragraph proceeds upon another branch of the Article—the last part—namely, the commencement of these acts which were a violation of the rights of the Princesses, and a breach of Mr. Hastings' duty. The eighteenth paragraph accordingly contains allegations respecting the resumption of the real estate, the landed property of the Princesses, called their jagirs: and likewise, towards the close of it, an allegation that the promise which he made at the time the treaty was entered into to resume these jagirs, namely, to give them the amount of these treasures in money annually, was not performed.

The nineteenth paragraph is likewise a general conclusion of criminality.

The twentieth contains an allegation respecting the guarantee of the personal property of these Princesses by the India Company. That is likewise included in the paragraphs I have antecedently stated, from the third to the seventh.

The twenty-first paragraph contains a determination to seize the treasures or personal property of those ladies.

The twenty-second paragraph contains an aggravation of that crime by a statement that the Wazir of the empire, Asoff-ud-Dowla, the son and grandson of those ladies, was

15 Apr. 1788. instigated by Warren Hastings to be the unwilling instrument of seizing the treasures and the real property of his mother and grandmother.

The twenty-third paragraph contains an allegation of the violent orders given by him to produce that effect.

The twenty-fourth paragraph contains allegations respecting his approbation of the execution of those orders, and his finding fault with a short delay.

The twenty-fifth paragraph contains allegations respecting the cruelties that were the consequence of those orders.

The twenty-sixth paragraph is a general conclusion of criminality.

The twenty-seventh paragraph contains allegations of aggravation respecting this matter by the instruments which Warren Hastings employed; namely, Sir Elijah Impey, the Chief Justice of India, sent out by the Parliament of England to distribute justice in that country, for the protection of the natives of that country, as one, and Asoff-ud-Dowla, the son and grandson of the ladies, as the other.

My Lords, the twenty-eighth paragraph contains further matter of aggravation by an allegation that Mr. Hastings' justification for those acts was false in fact and illegal in conclusion, even if it were true in fact.

The twenty-ninth paragraph contains a further aggravation of these crimes, by alleging that Warren Hastings stifled an inquiry directed by the court of Directors here at home and proposed by Mr. Stables, one of the Supreme Council abroad, into the circumstances of those transactions.

The last paragraph, the thirtieth, contains an allegation of his having received a bribe, as a further aggravation, and as a motive inducing all those matters which I shall have the honour of stating to your Lordships.

My Lords, I flatter myself that, in this minute statement of the Article, I have not consumed more of your Lordships' time than was necessary for the clear understanding of the subject. I have endeavoured by that means to make, as it were, a sort of induction to the evidence, by which your Lordships will be able to follow me throughout all I shall be under the necessity of addressing to you.

Description of the country of Oude.

Before I enter upon the first paragraph of the Article, it will be necessary that I should make your Lordships acquainted with the nature and peculiar circumstances, and the situation of the country about which the Article treats, and with respect to which the Commons accuse Warren Hast.

ings of having been guilty of high crimes and misdemeanors. 15 Apr. 1788.
Your Lordships very well know that the country of Oude lies a considerable way up the Ganges. It is of considerable extent and very considerable wealth. It is 360 miles in length and 180 miles in breadth; by which it will appear to your Lordships that it is very near as long as England, and that it is as broad as England from the Isle of Anglesea to the mouth of the Humber. It is about 70 miles longer than Ireland, and broader than Ireland throughout at the broadest part. It is a country of very considerable wealth; insomuch that, for the year that is to succeed the present year, that is for the year 1789, upon the testimony and settlement of Mr. Hastings himself, he thinks that this country, after all the ravage that has been committed in it, after all the devastation that has existed in it, after all the violence that has existed in it, after fortune has come into this country after fortune, and traversed the oceans to find its way hither from that desolate and depopulated country—he still states that country at the amount of three krors of rupees annual revenue, being upwards of three millions sterling. It is a country that did and does maintain a considerable body of troops: and, to prove that this was a country of very great strength and importance, and that those who presided in that country, and those who are connected with those that did preside in and rule that country, must be persons of high rank, and quality and consideration, your Lordships will find that, by a treaty of 1768 entered into between the East India Company and the Nawab of Oude to reduce the army establishment, because he was considered as a dangerous rival to the interests of this country in India, the reduction of that establishment was left at 35,000 men, rank and file.

It is a country in some parts of considerable manufacture, and in other parts of very considerable cultivation in point of agriculture; especially two parts of it, which have been added since the accession of Mr. Hastings to the government of India, at least one if not the other; the one called the Duab, which I believe was added to it before; the other Rohilcund, or the country of the Rohillas, which was added to it by means of Mr. Hastings, as I shall be under the necessity of stating to your Lordships shortly.

The Duab and Rohilcund.

Before the accession of those two countries, I will state to your Lordships, from an authority which Mr. Hastings cannot dispute, because Mr. Hastings has solemnly acted

Revenue of Oude

5 Apr. 1788. upon that authority,—before the accession of this country, the country about which I speak, namely, the original country of Oude, was completely adequate and sufficient to all its own establishment, and all that was necessary for the connexion that England had with it. In a letter written towards the end of 1775 or the beginning of 1776 by the younger Princess of Oude to Mr. Hastings, she expressed herself in this manner :—

"In the Nawab's lifetime"—that is, Suja-ud-Dowla's lifetime—"he was possessed of no more than the single Soubah"—without Rohilcund or Duab—"and the dues of the English chiefs were paid out of the revenues of it, as also the expenses of their army and his own. At present, that the Soubah is increased to three times its former extent, what becomes of the revenue? No one thinks of making this inquiry; but sums are constantly taken from us helpless women."*

Your Lordships will see in the sequel that Mr. Hastings acted upon the authority of this letter; and he cannot now say that it does not throughout speak the truth. It may be necessary to be still more minute, for the sake of perspicuity in what is to follow, and to state that the capital of this country is Lucknow, situated in the heart of the country—that the old capital was Fyzabad, situate ninety miles further up, upon the western extremity of the country, and upon the confines of two districts of that province which it may be necessary to mention, the province of Baraitch and Goruckpore. Fyzabad was the original residence of the Prince, but that now is no longer his residence. But his palaces and houses remain, and are inhabited by the Princesses of Oude, the mother and grandmother of Asoff-ud-Dowla.

Provinces of Benares.

Your Lordships likewise know that upon the southern confines of this country is the province of Benares; that the province of Benares runs along almost all the southern confine of it; that Chunar is in the province of Benares, about fifteen miles from Benares, and about three days journey, according to some accounts, a little more according to others, from Fyzabad or Lucknow.

Origin of the English connexion with Oude.

I have now finished all the statement that is necessary, as I think, to make your Lordships acquainted with the particular nature of the country, and will now state to your

* Letter of the Bow Begum, mother of the Nawab Asoff-ud Dowla, to Mr. Hastings, received the 20th December, 1775; printed in the "Minutes of the Evidence," &c., p. 445.

Lordships the origin (and I shall do it shortly) of the English connexion with that country. Your Lordships know perfectly well that after the battle of Buxar, in which Suja-ud-Dowla was conquered by the British arms, he never again rallied, but that at a subsequent period the treaty of Allahabad established a connexion between Oude and England. Your Lordships likewise know that, in the year 1773, Mr. Hastings, before the arrival or even before the appointment of the Supreme Council, under the act of the 13th of His Majesty, made a journey to the upper provinces: and I will state to your Lordships, from Mr. Hastings' own words, the objects of that journey. The principal object of it I know perfectly well I am prevented entering into minutely as a matter of charge — respecting the Rohillas. The House of Commons in their wisdom thought it right not to prefer that charge at your Lordships' bar. I mean to make no comment unfavourable to the wisdom that so directed them, the principles upon which that House acted, and the principles of those who directed their conduct —if it can be supposed that their conduct was directed in that matter. They have brought to your Lordships' bar a matter of charge so grave and material, that the thanks of the country—the thanks of India—the thanks of posterity—the thanks of all the humanised world—will I am sure be due to them for those virtuous inclinations and opinions that led them to prefer a charge at your Lordships' bar, which will redeem India from the injuries that it has suffered, when it receives the sentence which I know your Lordships must pronounce upon it. But I mention the Rohilla question merely to show the origin of the connexion of this country and Oude. Mr. Hastings says, in a minute of the 25th of October, 1774:—

15 Apr. 1788.

The Rohilla enterprise.

"This enterprise, the design of which furnished the first occasion of my meeting with the Vizier"—that enterprise is the Rohilla enterprise—"was an article of the original draught of our treaty, but it was omitted at his desire; and I promised that it should still take place, if it suited the affairs of the Company, at any other time when he should find himself in a condition to resume it. Accordingly, in the month of January, 1774, the Vizier made a formal requisition of the assistance of a brigade of the Company's forces, for the defence of his dominions and for the prosecuting his former purpose of invading the country of the Rohillas. For this purpose, he engaged to pay the Company, besides the stipulated subsidy, forty lacs of rupees (four hundred thousand pounds sterling) when it should be concluded."*

* See the Minute, printed entire in the Appendix to the "Minutes of the Evidence," No. XXVIII.

15 Apr. 1788. Your Lordships see what the advantages to accrue from this expedition were:—first, an acquisition of territory to the Nawab; secondly, the employment of a considerable part of the Company's forces; and lastly, the stipulation of 400,000*l.* to be paid to the Company on the conclusion of the undertaking. In a letter from Suja-ud-Dowla, of the 28th September, 1774, addressed to Mr. Hastings,* it is said—"Consider, my friend, that it was my absolute determination to extirpate the Rohillas, and that I requested the assistance of the English troops for the purpose." In Mr. Hastings' answer to the House of Commons, after he had had fourteen years to deliberate upon the subject, which answer was put in upon his own petition, deliberately and gravely considered, Mr. Hastings says,—"It was the proposed intention of the Nawab Suja-ud-Dowla, and of course mine as connected with him, to exterminate the Rohillas; that is, to expel or remove them from the country they occupied, without allowing the smallest vestige of their power to remain in it."† I leave these facts without comment upon your Lordships' memory, sensible that they will impress your minds as they must do the mind of every feeling man, or every person capable of drawing a conclusion from sentiments such as your Lordships have heard, in the very short extract which I have had the honour to read to you.

Debt arising from the Rohilla war. The consequence of this was, that the great object of Mr. Hastings, namely, the 400,000*l.* for exterminating the Rohillas, never has been paid—that at this moment part of it remains due. But this was not all; it was the beginning of rivetting our connexion with [the province of Oude], and of continuing a military establishment in that country to a very considerable amount (as your Lordships will hear by the evidence)—which military establishment the Nawab was bound to pay; which military establishment he never did pay, but run in debt for; the expense of which military establishment was defrayed in chief by the India Company; and by that means that debt, which existed at the end of the Rohilla war, kept increasing. All the embarrassments arising from that arrangement produced a closer connexion between England and Oude, so as to introduce all that spe-

* The entire letter is printed in the Appendix to the Report of the Committee of the House of Commons on the Rohilla War, No. XXVI.

† See "The Minutes of what was offered by Warren Hastings, Esq., at the Bar of the House of Commons," &c. Printed for Debrett, 1788; p. 23.

cies of interference which your Lordships will find detailed in the subsequent part of what I have to address to you. 15 Apr. 1788.

My Lords, among other things, it produced the appointment of a Resident—not in the degree of an ambassador to reside at the Court of Oude, to observe the motions of the Court of Oude, on the part of Great Britain, but a person with an establishment of a civil nature, interfering with every act of government, so as to render it impossible to say whether the Resident of the East India Company of England, or the Prince of the country himself, was the person most to be obeyed, or the person who most commanded the government of the country. This seems to me to be all that is necessary to address to your Lordships upon the subject of the origin of our connexion with Oude.

Appointment of a Resident in Oude.

I now come to the first clause of the Article, namely, the allegation respecting the rank and character of the Princesses. Your Lordships will find, by looking into the history of India, that the eldest Princess was the daughter of Saadat Ali, a person of great rank and consideration in India, and who vied at one time with the famous Wazir of the empire, the Nizam of the Carnatic—a person who had well nigh at one time overturned the power and authority of that great Wazir, and a person who, finding he was not able to overturn his power, had accepted a situation almost equally the same—Captain of all India. This lady was his daughter. And Saadat Ali was one of the most extraordinary characters India ever produced. He bestowed his only daughter upon a person of the name of Suffdar Jung, a person whom some historians of India relate to have been of very low origin, and whom others represent otherwise; but be it as it may, she is a woman of great consequence. Suffdar Jung was allied to her; and Suffdar Jung, by the will of Saadat Ali, succeeded to the government of Oude. Suffdar Jung was a person of great consideration, and before the King of Delhi, or the Great Mogul, became a mere cypher in the government of India, he obtained the place of Wazir or Minister of India; which was handed down from him to Asoff-ud-Dowla, the present Nawab of Oude. The younger Princess is the widow of Suja-ud-Dowla, a person of great rank and character in India — a person who your Lordships know vied in the field with England, and a person who afterwards became the close and firm ally of this country. This is not all that is necessary for your Lordships' consideration with regard to the situation of these ladies; I have another circum-

1st Clause of the Article—Rank and character of the Princesses.

The eldest Princess, mother of Suja-ud-Dowla.

The younger Princess, widow of Suja-ud-Dowla.

15 Apr. 1788. stance to add, which I am sure, in any country, but particularly in this country, and when applied to Indian ladies, will strike deep in your Lordships' minds, as making this charge a fit subject of consideration for your Lordships. My Lords, I mean the sex of the persons about whom this charge treats. Throughout the world all mankind are agreed in giving peculiar protection to that sex. But in India it is almost peculiarly necessary that peculiar protection should be given to them. The laws of that country therefore have made many wise and useful regulations which put them in a situation of peculiar respect, because they are peculiarly defenceless.

Regard shown to women in India.

My Lords, that is to be found in every history of India; but I wish to go to that history which the person at your bar cannot contradict. My Lords, in the course of the discussions of the Supreme Council at Calcutta with respect to the distribution of justice in India, a letter is sent home to the Secretary of State here, signed by Mr. Hastings, Mr. Francis and Mr. Wheler, of which this is a paragraph:—

> "To those who are acquainted with this country and the character of its natives, it is well known that, among the stubborn and immutable usages of a people who by an unheard of policy are thus attempted to be dragged within the pale of our laws, there are not any who are so immediately blended with their natures, so interwoven with their very existence, and a force upon which were therefore so likely to drive them to desperation, as those which regard their women; a reason for which we presume, you will think with us that policy and humanity should in all situations respect them."*

My Lords, I have likewise the authority of the person who was sent out Chief Justice to India upon this head, who writes upon the 25th March, 1775:

> "A woman, Hindu or Moor, if not of the outcast of the people, can by no treatment be provoked to apply to a court of justice if she must make her personal appearance. There is no process she would not stand out rather than appear as a witness. An accusation against her, if she is brought forth to make answer, is equal to a capital offence. The indignity in either case is so great, and her feelings of it so strong, she would after such an exposure consider it a disgrace to live."

Your Lordships find, therefore, from these two authorities, as well as from the uniform and uncontradicted history of India, that the appearance of women in public is considered as a disgrace; and, when your Lordships consider the peculiar

* The letter is dated 25th January, 1780, and the extract is printed in the "Minutes of the Evidence," p. 420.

institution of that country with regard to marriage, I am sure your Lordships will agree that it is a wise and a salutary institution in that part of the globe. Besides this, if your Lordships will look into the kuran, particularly into the fourth chapter, which is peculiarly appropriated and set apart to this subject, your Lordships will find, at the same time that there is a stream of beautiful and just morality running through the whole of it, with the single exception of the peculiarity with respect to the institution of marriage, that all that is here stated by the two authorities I have quoted to your Lordships is perfectly correct and just. Then, my Lords, I have established the first part of this charge, namely, that these women were of high rank, and that women are held in a peculiarly sacred situation in that part of the globe. 15 APR. 1788

The next part to which I proceed is that which regards their property. And here, as there has been a great deal of dispute at different times—as the person at your bar has held very different language concerning it—as the situations in which he has been placed have led him to view the circumstances of their rights differently at different times—it becomes essentially necessary that I should establish upon the ground of argument those facts which will be in proof to your Lordships, to show your Lordships that the persons whom I have described were left in possession of a very considerable property, real and personal, both jagirs and treasures, by their deceased husbands. Property of the Princesses.

Your Lordships will find, in the first place, with regard to the jagirs, that the Wazir expresses himself thus, in a treaty which will be read to your Lordships, namely the treaty of the 15th of October, 1775—"I also engage that I will never molest my mother in the enjoyment of the jaghires, gunges, &c., or the mints of Oude, Fyzabad, &c., conferred on her by the late blessed Nabob; but will leave her in the full possession of them during her lifetime." Your Lordships observe then, by the declaration of the person most interested, namely the declaration of Asoff-ud-Dowla himself, that he gives it under his hand, in a treaty entered into under all the forms and solemnities of the Mohammedan religion, as his firm opinion that these jagirs were granted to his mother by Suja-ud-Dowla; and he engages that he will never molest her in the enjoyment of them. Jagirs possessed by them.

In a letter of the 3d of April, 1778, which I shall have occasion to allude to afterwards, your Lordships will find that Mr. Hastings was of the same opinion. I will not

15 Apr. 1788. trouble your Lordships with citing the passages at present, but with the date only. The authority of Mr. Hastings and of Asoff-ud-Dowla I consider as complete and positive evidence to show that the jagirs were granted to her—I speak of the youngest Princess—by her deceased husband, Suja-ud-Dowla, and that she was clearly and legally in possession of them.

Treasures belonging to the widow of Suja-ud-Dowla.

With regard to the treasures, as there has been more dispute about them so there is a greater degree of intricacy concerning them; but I flatter myself I shall be able to establish most clearly to your Lordships, in argument—which argument will be supported and enforced by the evidence that will be called—that those treasures of right belonged to this Princess likewise. First of all, she was in possession of them; and the mere circumstance of her being in possession of them is at least presumptive evidence that the property belongs to her. In the next place, that there is nothing in the laws of the kuran, nor in the laws of that country, that make it impossible or improper for Suja-ud-Dowla to grant such treasures to his wife upon his death-bed, or otherwise, by leaving her in possession of them.

Right derived from their being in the zanana.

In the next place, she was in possession of them by their being in the zanana. And here it is necessary to state that the zanana is the apartment particularly allotted to the women, where no person can go but their own nearest relations; where they never see the face of man, but when they see their husband, their son, or their brother. Here therefore it is impossible for any man to enter. Force could not go to deprive them of these treasures, and their being deposited there was equivalent completely to their having been granted to her by will or devise.

Opinion of Mr. Bristow in reference to the treasures.

My Lords, the next stage of proof I have to state is the opinion of Mr. Bristow, who was Resident at the Court of Oude in the year 1775, and who had occasion, as your Lordships will hear in the sequel, to inquire very minutely into this matter. Mr. Hastings entered into a negotiation, on the part of the Nawab, with the Princess his mother, for the purpose of obtaining from her part of those treasures; therefore, when Mr. Bristow's letters are read, your Lordships will always carry this in your mind—that a great part of these letters are the representations of a negotiator, upon one part, to the person with whom he is negotiating [on the other part]* in order to obtain his end.

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* Supplied by Mr. Adam.

Your Lordships will find therefore that, when Mr. Bristow relates what he said to the Princess mother, on the part of the Nawab of Oude, he states it in a manner adverse to her interests and her rights, and that he represents that statement to his employers, the Council at Calcutta. But when you strip Mr. Bristow's evidence of that circumstance — when you divest him of the character of a negotiator, and take him in the situation of Resident at the court of Oude—your Lordships will find that Mr. Bristow's evidence is clear and positive, and that throughout there are expressions, the strongest that can be imagined, in order to prove to your Lordships that Mr. Bristow thought these treasures were the actual possession and the actual property of the Princess to whom, in this charge, they are alleged to have belonged. 15 Apr. 1788.

My Lords, as I shall have occasion, in the course of what I have to state, to allude to several written documents, I will detain your Lordships as little as possible with the parts I am to read, convinced that what I have stated with regard to Mr. Bristow's evidence will be in your Lordship's recollection; and it will be pointed out by the gentlemen when that evidence shall come to be detailed. I shall not detain your Lordships with reading it, but leave it upon this assertion, that always throughout, except when Mr. Bristow stands in the character of negotiator, he gives opinions favourable to the rights of the ladies and unfavourable to the rights of the Nawab. Mr. Middleton, who was Resident at Oude, and who had negotiations with these ladies in 1778, never states a circumstance, till after the transactions in which he was the principal agent of Mr. Hastings in violating the rights of these Princesses, he never states anything in the year 1778, or previous to the year 1781, as far as I have been able to find, adverse to the abstract rights of these Princesses. My Lords, then I have established thus far: I have shown your Lordships that they were in possession—that there was nothing in the law of their country against it — that the treasure was in the zanana — that Mr. Bristow and Mr. Middleton, whose duty it was to investigate the matter upon the spot, except when they stood in the character in which I have placed them, individually and reciprocally, were clearly of opinion that the property belonged to the Princesses of Oude.

Mr. Middleton's evidence.

My Lords, the next witness I shall call in support of this matter to your Lordships is the Supreme Council at Calcutta, who, in consequence of the negotiation in 1775

Opinions of the Supreme Council in reference to the treasures.

15 Apr. 1788. and 1776, had occasion to investigate this matter upon the representation of Mr. Bristow. Your Lordships will find in the minutes of the Council and in the consultations of that time considerable difference of opinion upon some points; but you will find that all the Council agree that whatever is in the zanana belongs to the ladies. This treasure then will appear to your Lordships to be in the zanana, and, being in the zanana, you have the opinion of the Council that it belongs to the ladies. But this is not all. In the course of the transactions between Mr. Bristow and the younger Princess of Oude, your Lordships will find that a sum of money was to be paid by the Princesses to the Nawab, in consideration that we were to guarantee to her all the rest. This sum of money was to be paid in this way—she had already advanced to the Nawab twenty-six lacs or 260,000*l.*; she was to advance thirty lacs more, in all 560,000*l.* The thirty lacs which she was to advance she was to pay in this manner—nineteen lacs in money and the rest in movables, in jewels and property. A question arose about the property of those movables: the Wazir said they belonged to him; the Princess insisted that they belonged to her. The question was with regard to the balance of about two lacs and a half of the property. Whether those two lacs and a half belonged to the Wazir, or whether they belonged to the Princess? This matter was investigated by Mr. Bristow upon the spot; [the result of his investigation] transmitted to the Board at Calcutta, and discussed: and the Board at Calcutta determined respecting these two lacs. It is not in my memory at present in which way they determined that matter; but it makes no difference to the argument I mean to use, because if they determined it in favour of the Wazir, then all above that belonged to the Princess; if they did not determine it in favour of the Wazir, then, *a fortiori*, all that the Princess retained besides belonged to her.

Their decisions in questions of dispute respecting them.

There was another question with respect to this property. The Wazir said he was intitled to nine lacs, the Princess said he was intitled to three lacs only. That dispute which subsisted for some time was likewise referred to the Council at Calcutta: and, upon all the evidence stated on one side and the other by Mr. Bristow in his letter, the Council determined that the Wazir should take five lacs; which the Princess was willing to give him, and which he took. Then, upon the payment of the thirty lacs in this way and upon a release for the twenty-six lacs, your Lordships will find no

further demand was to be made upon the Princess; and in consequence of that the Board, having considered all these matters, write in their letter from Bengal on the 12th of September, 1776, thus:— 15 Apr. 1788.

"The Nabob has at length agreed to sign a full acquittal for the thirty lacs of rupees which his mother had engaged to advance him, on her promising to pay him in ready money five lacs instead of nine which he claimed as the balance due on that account. He has assigned these five lacs to the Company in part payment of his debts."

Your Lordships find then that they had agreed to the acceptance of those five lacs. I therefore contend that they were of opinion that all above the five lacs belonged to the Princess; but it is perfectly clear that all above the nine lacs belonged to the Princess.

The next witness I call to your Lordships upon this part of the subject is Mr. Hastings himself. And I confess I feel so much impressed with the importance of this part I am now going to state, towards finding the criminality of all that followed, that it is impossible for me not to introduce it to your Lordships in the solemn manner in which it originated.

Letter of the Princess appealing to the protection of Mr. Hastings.

My Lords, the dispute which I have stated made the Princess of Oude extremely uneasy. She wrote a letter to Mr. Hastings individually and not to the Council: she sent it by one of her most confidential servants to Calcutta. In that letter she expressed all her feelings, all her thoughts and all her arguments, upon the subject; and when your Lordships come to hear the letter from beginning to end I will venture to affirm that it would not disgrace the spirit of Elizabeth nor the talents of Cecil; that it might have done honour to the most elevated Princess in point of character and talent that ever existed in the world; and that it might have done honour to the ablest adviser that the ablest Princess ever had, at any period or in any country on the globe.

Among other paragraphs in that letter your Lordships will find this most remarkable sentence:—"I went to the Nabob when the hour of his death approached, and asked him to whose charge he left me. He replied, 'Apply to Mr. Hastings whenever you have occasion for assistance; he will befriend you when I am no more.'" I hope that sentence will be engraven deep in the memories of your Lordships. I hope that through the medium of your Lordships' memories it will find the way to your Lordships' hearts.

15 Apr. 1788. I hope that that sentence will never be absent from your minds during the whole investigation of this important charge. I trust that you will call upon him to befriend that Princess in the manner in which he befriended her then to the last period of his government, or, if not, that you will call him to a strict and accurate account—that you will call upon him to lay such clear evidence of her guilt before you, as it is impossible for the most stupid to doubt or the most ignorant not to see. He was bound by every tie of friendship, he was bound by every tie of gratitude, by every sentiment that could make its way to the heart of man. He was bound by more than that. Mr. Hastings had the Rohilla contract green in his recollection. He remembered, as your Lordships will find, that contract, the morning of which rose in avarice, the noon of which shone forth in extermination, and the evening of which went down red in blood. He remembered the gratitude he owed Suja-ud-Dowla for having been a participator with him in those acts of guilt. He recollected that he was bound by every tie of guilt, upon those principles which seemed to form stronger bands upon his mind than those pure principles of humanity and justice which dictate the conduct of other men; and therefore your Lordships will see how he did befriend in that period, 1775, this unfortunate Princess. He communicated this to the Council. He desired their opinion upon it. The Council desired his opinion in the first instance He writes to the following purport:—

Minute of Mr. Hastings in reference to the Princess' letter.

"All my present wish is that the orders of the Board may be such as may obviate or remove the discredit which the English name may suffer by the exercise, or even the public appearance, of oppression on a person of the Begum's rank, character and sex."

He then states our right to interfere, the Nawab having called for the assistance of our Government; and then he adds:—

"I am therefore of opinion, and I recommend, that a letter be written by the Board to Mr. Bristow commanding him to remonstrate to the Nabob Vizier against the seizure of the goods as his own original property, which he received from his mother in payment of the eleven lacs stipulated to be so made; to insist upon the Nabob's receiving them in payment; and that he either admit of the valuation which he has put upon them, or that he allow them to be appraised by persons appointed for that purpose by both parties; and that Mr. Bristow be further ordered to request and if necessary to insist in the name of this government that the Nabob do grant permission to the Begum to repair to

and reside within any part which she may choose of the Company's territories."* 15 APR. 1788.

Your Lordships see then the extraordinary production of an extraordinary soil. Your Lordships may be astonished to think that sentiments so humane and virtuous—sentiments so kind and protecting—could spring from such a soil as the Rohilla contract. It seems as if the order of nature had been for a moment suspended. We know that;—

> "Pard genders pard—from tigers tigers spring;
> No dove is hatch'd beneath the vulture's wing."

That is not more beautiful in poetry than true in philosophy. For a moment you find the laws of nature suspended. But though suspended for a time, though nature was driven from its course, your Lordships will find it again return to its own channel, you will find the same principle which dictated the conduct of the Rohilla war in 1773 again revive in such acts of atrocity as will make your Lordships shudder. You will find it dictating the destruction, ruin and pillaging, of these Princesses. My Lords, I must pause in the course of my narrative before I come to state how this man returned again to his ancient course, and how nature was only expelled for a time to return with greater force and violence to that course.

My Lords, I have now stated the opinion of Mr. Hastings in addition to the other opinions which I gave to your Lordships; but I have a further piece of evidence, perhaps stronger than any of the rest, to lay before your Lordships, I mean the opinion of Asoff-ud-Dowla himself, the person interested. He says:—"Having received these," viz., the twenty-six lacs released and the thirty advanced, "I renounce all further demands upon her." Then, upon the 18th of December, 1775, Mr. Bristow, in writing to the Board, says,—"Respecting the treaty with the Begum, I have had many letters from her complaining of its not being abided by, and that the Nabob does her great injustice in disputing her right to effects which she wants to deliver to him; but he asserts them to be his property, as they were under the charge of his consuma." † Therefore your Lordships observe the only question here is under whose care they are; if under the care of his khansaman they are his; if not, your

Opinion of Asoff-ud-Dowla.

* Minute of Mr. Hastings, 3rd January, 1776.—Printed in the Minutes of the Evidence, p. 448.

† Khansaman, a house-steward, or butler.—*Wilson.*

15 APR. 1788. Lordships will see presently he admits them to be hers, and only deposited in one of the buildings adjoining to the Begum's palace. He says "he acknowledges her right to anything in trust with her own servants, but all other effects belong to him." Then, my Lords, the only point to ascertain is whether those things were in trust with her own servants or no. Your Lordships will see throughout that they were in trust with her own servants; and, even if it were not produced in evidence to your Lordships, the necessary conclusion from the facts I have stated must be, that they were in trust with her servants, or the Wazir would never have yielded them.

Evidence derived from the Wazir's giving his bond for a loan of a portion of the treasure.

Your Lordships will observe that there is but one other species of evidence that can by any possibility enforce her right to the treasures, and that is the evidence of the transaction itself. I have already stated that the Wazir, before the interference of the India Company, had borrowed twenty-six lacs from the Princess mother; for which twenty-six lacs it will appear he gave his bond. It will appear to your Lordships that he not only gave his bond, but also gave security in land. Now your Lordships need not be told that no person borrows or gives security for his own money, therefore the *evidentia rei*, as it is called among lawyers—that evidence which cannot lie—that evidence which no cross-examination can twist—that evidence which no possibility can defeat—that evidence is so strong and so clear that you must draw this conclusion in your minds, that this property belonged to the Princess and not to the Wazir.

My Lords, I have thus reasoned from the lowest species of presumption, the possession of the property, to the highest species of evidence that the nature of the transaction admits of, in a regular climax, and am sure your Lordships will be of opinion that this climax of reasoning in evidence is not less sound and less conclusive to the mind and understanding than a climax is beautiful and conclusive in rhetoric. With these observations I leave the title of the younger Princess, perfectly certain that there is not a better title among any of your Lordships to your hereditary estates than the title she had to those treasures.

Property of the elder Princess.

My Lords, the next question is with regard to the property of the elder Princess. The property of the elder Princess has not been so often disputed; and, although it has been pillaged and taken away, yet there has never been a

doubt raised with regard to the authenticity of her property: therefore all I shall trouble your Lordships with upon that head is an extract from Mr. Hastings' answer in the House of Commons, which speaks in the following words:— 15 Apr. 1788.

"She (the Nabob's mother), was suffered to demand, and actually to exact, upon the Nabob an increase of jaghires to ten times the amount of the income which had been settled upon the old Begum by her deceased son Suja-ud-Dowla, for the maintenance of herself and the numerous family and dependents of her late husband Sufda Jung."

So that your Lordships see, by the acknowledgment of Mr. Hastings himself, that Suffdar Jung had settled a jagir upon the elder Princess, for the maintenance of his family and dependants.

Paragraphs III. to VII. The guarantee of the younger Princess.

My Lords, this brings me to the beginning of the third paragraph; and from the third to the seventh paragraph I stated to your Lordships were contained all the allegations respecting the guarantees to the younger Princess. It will be necessary that I should state to your Lordships, for the purpose of your clearly understanding it, and for the purpose of seeing at the same time the solemnity of it, the nature of these guarantees. On the 15th of October, 1775, the East India Company entered into a guarantee, confirming the younger Princess in all her property:—

Agreement of Asoff-ud-Dowla.

"I, Azoff-ul-Dowla Bahadre, engage and give this written agreement, viz.,—I have now taken from my mother 30 lacs of rupees on account of the present, and 26 lacs on account of former debts, in specie, goods, jewels, elephants, camels, &c., from the patrimony of my father, and have no further claim on her. Having received this through the English chiefs, I renounce all further demands on her. I also engage that I will never molest my mother in the enjoyment of the jaghires, gunges, culladarrils, gardens, or the mints of Oude, Fyzabad, &c., conferred on her by the late blessed Nabob; but will leave her in the full possession of them during her lifetime. As long as my mother lives I will give her no trouble on account of them; she shall collect whatever appears to be due from the said jaghires by her own people: I will not obstruct it. When my mother goes on her pilgrimage, she is at liberty to leave the jaghires, &c. under the charge of whomsoever she pleases: it is entirely at her option: I will not oppose it. Whether she resides here or goes on her pilgrimage, the jaghires, &c. shall remain in her possession, and no person shall on any occasion obstruct or molest her therein. To whomsoever my mother shall give charge of the jaghires, &c., I will on every occasion protect and assist him; and when she goes on her pilgrimage she is at liberty to take with her such of her slaves, women and goods, as she thinks proper. I will not molest her nor will I give any trouble to Jewar Ally Khan, Bahadre Ally Khan, Nuhaut Ally Khan, Shegoon Ally Khan, or to the taveldarries, by any demand on them. My mother is at liberty to act as she pleases therein: she is the mistress. For the observance of these Articles I give God and his Prophet, the twelve Imaums, the fourteen Maussoons: and the English

15 Apr. 1788. chiefs are joined in this engagement. Further, I will not in future demand any loan from my mother. I have no claim on her, nor will I ever deviate from this engagement. Should I act contrary thereto, it may be supposed that I am estranged from the English chiefs and the Company. I have, accordingly, given this as a coulnamma to remain as a voucher."

Guarantee of the Company.

Accordingly, my Lords, the English chiefs became guarantees to this kaulnama, under all the ceremonies and all the solemnities of the Mohammedan religion, imposed upon himself by Asoff-ud-Dowla :—" The English chiefs are guarantees for the observance of these articles—no one shall molest her."* Your Lordships will see in the sequel who did molest her.

Paragraph VIII.—Mr. Hastings' conduct.

My Lords, I have concluded everything that is necessary respecting the guarantee, and have now got to the eighth paragraph of the Article, where your Lordships will find the allegations respecting Mr. Hastings' conduct upon this business. In the year 1778, Asoff-ud-Dowla molested his grandmother, the elder Princess, in the possession of her property. In consequence of which it became necessary, as Mr. Middleton thought, that he should make a journey to Fyzabad. Your Lordships will find that, after his journey to Fyzabad, he had occasion to change his opinion, and, instead of acting in a manner the Wazir approved of, to inforce the demands that the Wazir had represented to him as legal, he found, upon the representation of the Princess, that the demands the Wazir was making were unreasonable. The consequence of the journey then was this—that Mr. Middleton began a correspondence with the Board, and that in that correspondence with the Board at Calcutta, he set forth the rights of the elder Princess in such a manner as to convince the Board that they ought to interfere in favour of her rights. What respects her rights comes in the subsequent paragraph; but it is impossible for me to make your Lordships understand the reasons of this interference of Mr. Hastings, without stating now the cause of Mr. Middleton's visit to the court of Fyzabad. In consequence of those letters Mr. Hastings and the Board express themselves thus—there was likewise a discussion about the property of the younger Princess at the same time:—

Visit of Mr. Middleton to Fyzabad.

His correspondence with the Council.

"With respect to the Bow Begum (that is the younger Princess), her grievances come before us on a very different footing. She is entitled to

Opinion of Mr. Hastings that the younger Princess was

* Printed in the "Minutes of the Evidence," &c., p. 442.

our protection by an act not sought by us, but solicited by the Nabob himself; and granted in compliance with his and her request. We therefore empower and direct you to afford your support and protection to her, in the due maintenance of all the rights she possesses in virtue of the treaty executed between her and her son, under the guarantee of the Company, and against every attempt that may be directly or indirectly made to infringe them."* 15 APR. 1788. — entitled to the guarantee of the Company.

This part of Mr. Middleton's proceeding regards the mother of Asoff-ud-Dowla; and your Lordships see that Mr. Hastings, at this time a member of the Board at Calcutta, delivered it as his opinion that she was clearly intitled to the fulfilment of the guarantee upon the part of the Company. At this time, it is necessary to observe, that the Council consisted of Mr. Hastings, Mr. Barwell, Mr. Francis and Mr. Wheler. Mr. Hastings and Mr. Barwell drew together; and, therefore, even if there had been any dispute in the Council upon the subject, Mr. Hastings' casting vote carried the question in the way that he thought fit. Mr. Hastings is not contented with the transactions that appear upon the public records respecting this matter; but he thinks it essential that his name and authority should stand particularly forth to the Nawab in support of the rights, both of the younger and elder Princess. Accordingly, in a letter, the date of which I have stated to your Lordships before—a letter of the 3d of April, 1778—which, when your Lordships hear it stated, you will consider as a monument of something the most extraordinary, when you compare it with the rest of the transactions which I have to lay before you, that it is possible for the human imagination to conceive—it is a letter which I beg may be deeply engraven upon your Lordships' memories; as well as that other letter which I have stated to your Lordships throughout the whole of this business—Mr. Hastings writes as follows:—

"I have received information through a variety of channels of several measures adopted by your Excellency respecting the two Begums and others." His letter to Asoff-ud Dowla in behalf of the rights of the Princess.

Your Lordships will observe here, that Mr. Hastings thinks the family of the late Nawab is worthy his peculiar interference and protection; and I beg, when your Lordships come to read this, with what you have upon your table delivered as

* See the entire letter, printed in the "Minutes of the Evidence," &c., p. 460.

15 Apr. 1788. a record and answered by Mr. Hastings, that you will contrast it with the foul aspersions in that record.

"It is not without the deepest regret that I find myself under the necessity of interfering in matters of so delicate a nature; yet the friendship I bear to your Excellency, and the honour of my employers, whose connexion with you is such that every act of your government that either increases or diminishes your reputation affects theirs in the same way, obliges me to point them out to you, and to give my sentiments thereon without the least reserve. In the first place, the Begum your grandmother complains that your Excellency has deprived her of the allowance established by the late Nabob for the maintenance of the family he left behind him, and you have resumed the jaghires and emoluments of all her servants and immediate dependants; that you have made no suitable provision for the late Nabob's women and children, and entirely neglected their education; that you suffer your favourites to infringe her rights and to insult your relations; and, instead of giving her and them any redress, that you appear to connive at and secretly encourage them in such conduct, by which means she is subjected to the greatest mortifications and indignities. These are the grievances complained of by the Allea Begum, your grandmother. Those alleged by Bow Begum, your mother, are of a similar nature, of unkind treatment from you, and of your withholding from her certain jaghires and rights which she is entitled to by the gift of the late Nabob. The duty of children towards parents is enjoined by all laws, and the breach of it condemned by all nations. This is a general obligation which is binding on all mankind."*

Mr. Hastings' sentiments on filial piety.

My Lords, there cannot be a truer principle of morality, there cannot be a principle expressed more clearly and better to go to your Lordships' hearts and understandings, it is impossible for the greatest philosopher of antiquity to have had a ray of perspicuity shot into his mind more clear than Mr. Hastings expresses himself with upon this occasion. It seems to me as if some providence had shot into his mind this transient gleam of virtue, for the purpose of enabling your Lordships to contrast it with all that went before and all that follows after. Contrast the beauty of virtue with the deformity of vice; contrast the perspicuity of a man when speaking the language of virtue with the tortuous, serpentine, unintelligible, obscure, defence made for the Rohilla contract; or with the more ridiculous, contemptible, falsifying, exaggerated, colluding, inconclusive, justification, he made of the injuries he did to Cheyt Sing. If your Lordships contrast these, you will only be roused to additional vengeance against the man who can express sentiments of virtue with such purity, and yet conduct himself throughout life in so extraordinary a manner. This, however, is the

* The entire letter, written on the 3d of April, 1778, is printed in the Appendix to the "Minutes of Evidence," Article II., No. V.

15 Apr. 1788.

last production of Mr. Hastings in the line of virtue. Your Lordships saw his sentiments before, in 1775, with regard to the younger Princess; you see his sentiments now in 1778, with regard to both the Princesses. You will find, however, that this is the last mild progeny of the vulture's nest.

Your Lordships will find "pard again genders pard—from tigers tigers spring;" that cause and effect return to their order; that the system of philosophy which guides the universe is once more restored; and that that man who could contrive such things expresses himself in the only language that the contriver of such things is capable of expressing himself in. I leave that upon this ground, that I am sure when your Lordships contrast the purity of those sentiments with the obscurity, the wickedness, the malignity, the perfidy, the violence, the want of faith, the want of humanity and morality, which belong to almost every other part of the composition of that man, that your Lordships will agree with me, that he who knew so well how to act right, could only act wrong from the most scandalous, wicked and malicious, motives.

Paragraph IX.—Guarantee to the elder Princess.

My Lords, I now come to that part of the charge which respects the guarantee to the elder Princess, and your Lordships will find that there is almost as much nicety in the discussion of this part of her guarantee as there was nicety in the discussion of that part of the absolute right of the property of the younger Princess. It is necessary, however, as it has been disputed, that I state it to your Lordships with some degree of particularity. I have stated already the object of Mr. Middleton's journey to Oude, in the year 1778, and I shall be able, I think, in a very few words, to state the conclusion of that journey, and to establish the rights of the elder Princess upon the same clear foundation of the guarantee of the India Company that I have established those of the younger Princess. Mr. Middleton writes to the Board, upon the 27th of January, 1778:—

Letter of Mr. Middleton to the Council recommending a guarantee for the elder Princess.

"I hope to be favoured with their permission to sanctify the agreement, in the manner the Begum requires, in my public character. I have referred the subject to the Nabob for his consideration and approval, but I have little expectation that he will of his own accord acquiesce in the Begum's propositions, however moderate and reasonable they may appear; and if he should, his assent alone, without the ratification and guarantee of the English, will not be accepted as any kind of security by the Begum. If, however, his Excellency approves of these propositions, and gives them the sanction of his signature, I apprehend there will be no impropriety in my becoming a surety for their performance: in

15 Apr. 1788. which case the direct interposition of the Honourable Board will not be necessary."*

Your Lordships observe, then, that the proposition Mr. Middleton makes is this:—"If, however, his Excellency approves of these propositions, and gives them the sanction of his signature (that is the condition), I apprehend there will be no impropriety in my becoming a surety for their performance, in which case the direct interposition of the Honourable Board will not be necessary."

Your Lordships observe, then, that the signature of the Nawab is the condition. If the Nawab gives his signature, Mr. Middleton gives it as his opinion that there will be no necessity for their interference, but his security alone will do. The Board, upon the 23d of March, 1778, writes in the following terms:—"We approve of the means you have taken to conciliate the differences that have arisen with the former (that is the elder Begum)."† The question therefore is, what are the means? The means that I have stated to your Lordships are, that the East India Company should become security or guarantee, through the Resident, for the purpose of maintaining her in her rights, and that that should depend upon the signature of the Nawab. The only question then is, whether the condition precedent—whether the Nawab who is to enter into that condition fulfilled the conditions or no; now the best evidence of the fulfilment of that condition is, what the Nawab himself does upon the subject.

Order of the Council to Mr. Purling, Resident at Oude, to inquire.

Your Lordships will find, in the Consultation of the 3d of April, 1780, proceedings relative to this matter, which, though falling at a period of two years later than the time the treaty was entered into, I must necessarily explain to your Lordships. It does not appear that Mr. Middleton, whose duty it was to transmit this caulnama or agreement to the Board, did transmit it to the Board. If he did, it has not come to our knowledge at the period of time it was entered into. But a variety of transactions had taken place on the part of the Wazir with regard to his jagirdars, or the persons who held landed estates of him, which the Board thought it necessary to interfere in. Accordingly, in the year 1780, they wrote to Mr. Purling, who was at that

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* Printed in the "Minutes of the Evidence," p. 500.

† Printed as above, p. 501.

time Resident at Oude, to inquire into the state of that matter, and to transmit to them everything that appeared as documents in the office at Lucknow relative to these subjects. Among others, he transmits those with respect to the elder Princess; and your Lordships will find, in a letter of the 3d of April, 1780, the following words:— 15 Apr. 1788.

"With respect to the jaghires, we are not competent to judge of the propriety of retaining or yielding them back to their proprietors, not knowing who they are; and we desire that you will afford us every information in your power relative to this point."

In consequence of that, Mr. Purling, on the 30th of April, 1780, sends a letter to the Board at Calcutta, stating an account of the jagirs belonging to the elder Princess; and Mr. Purling's remarks are upon it.* He sends at the same time a translation of a copy of an agreement, under the seal and signature of Mr. Middleton, to all the particulars of which he engages to procure a treaty from the Nawab Asoff-ud-Dowla after his arrival, and that he will sign it. Then follows the treaty.† Upon one side there is a demand made; upon the other side there is the demand answered. This treaty is not only material on account of establishing the rights of the elder Princess, but it is excessively material to that most important part of the charge, namely, with regard to the widow and children of the deceased Prince Suffdar Jung, and the women and children of Suja-ud-Dowla, against whom such things were committed as will make your Lordships shudder when you hear them. The second article is, that "when the Nabob shall arrive, I (Mr. Middleton) will procure suitable allowances to be made to the ladies of the zenana and the children of the late Nabob Sujah-ul-Dowlah, and take care that they are paid." The sixth is that "I (Mr. Middleton) will endeavour to obtain from the Nabob the sum of 115,000 rupees, on account of the purchase of Metchee Bonhau and the house of Sahebjee, and the fort of the Gossein, with the land and garden, and the baradery on the banks of the Goomy, and bazaar and garden of the house of Mahnarain, and the house of Beny Persaud at Lucknow; all of which the Nabob Asoph-ul-Dowlah has assumed possession of." To which the Wazir answered—"I have passed a bond, payable in six months, for 115,000 rupees, for the price of the houses; and, God willing, I will

Agreement by Mr. Middleton for terms of a treaty to be conceded by the Nawab.

* Printed in the "Minutes of the Evidence," p. 480, and in the Appendix, p. 28.

† Printed, as above, pp. 461–471, and Appendix, p. 37.

15 Apr. 1788. pay the amount when it shall become due." The preceding article is, that "I (Mr. Middleton) will, upon the arrival of the Nabob, procure Vizier Gunge and the garden of Sepoy Daud Khaun, or their equivalent, for the Begum." To which the Wazir likewise agrees on the other side. The third article is—"That the festivals (Shaddee) and the marriages of the children of the late Nabob Sujah-ul-Dowlah,"—these were persons of such rank that the question was, whether the son of Suja-ud-Dowla, the Prince of the kingdom, or the mother and grandmother of the Prince of the kingdom, should have the care, and the education and the disposition in marriage, of these families of children,—"shall be at the disposal of the Begum. Whenever she thinks proper, she shall marry them; and, if the Begum shall go on a pilgrimage, she shall have the authority to appoint and settle their marriages. And whatever money shall be necessary for these expenses shall be paid by the Nabob." To which the Nawab likewise agrees on the other side. The seventh article is—"That I will settle with the Nabob the allowances to be made in ready money to the ladies of the zenana and others specified in the following account." That likewise is agreed to by the Nawab. And then it concludes thus—"The English are guarantees to the above engagements as long as the Begums shall exist." Your Lordships then see that all that was requisite to prove that this guarantee was complete is now proved, namely, the assent of the Nawab, whose assent and signature was the only condition upon which it rested.

Treaty signed by the Nawab, and guaranteed by the English.

I have read to your Lordships the kaulnáma, regularly transmitted—I have read the date of that kaulnama—I have read the period into which it came into Mr. Hastings' possession—if it did not come before—namely, in the beginning of the year 1780. I therefore put Mr. Hastings completely in possession of all that Mr. Middleton did at Fyzabad in 1778, previous to his journey to Lucknow. I vest him, therefore, with all the responsibility of the knowledge of that treaty being made and existing, the only condition on which that rested having been fulfilled. Whether Mr. Hastings had any communication of this treaty or no, at an earlier period, it is impossible for me to say. All that I can say is, that, in the course of this charge, as well as in the former charge, and in the course of every charge that is to succeed this, your Lordships will find such strong reason to suppose that Mr. Hastings did at different times suppress

Mr. Hastings cognisant of the proceedings of Mr. Middleton and of the treaty prior to his journey to Lucknow.

Probability of his having been earlier aware of the treaty.

everything which he thought material to be suppressed and kept from the eyes of the Company and the Board that he was acting with that your Lordships will doubt extremely whether, when we do not produce a paper at the time when it should have been executed and produced, Mr. Hastings may not nevertheless have been in possession of that paper. 15 Apr. 1788.

My Lords, I have now gone through the first part of the constituent parts of the crime. I have established the rights of the Princesses of Oude. I have established the guarantees of the English Company in support of these rights, to both the one and the other. I therefore now leave both these Princesses in complete and absolute possession of their property, guaranteed by the India Company.

Duties of Mr. Hastings as Governor General.

The next part that I am to state to your Lordships are the duties of Mr. Hastings. It is unnecessary for me to waste much of your Lordships' time upon those duties which attached upon him as Governor General. Your Lordships know the manner in which he was invested with that great authority, a circumstance which I confess makes his crimes in the view I take of them bear much harder upon him. He was not the choice of an individual; he was not the person who was brought forth from particular private favour; it could not be said that court intrigue put Mr. Hastings at the head of India. Mr. Hastings was appointed to his situation of Governor by the King, Lords and Commons, of Great Britain, in Parliament assembled, in the highest functions of their legislative capacity, uniting all their legislative wisdom; the two branches of the legislature uniting with the executive power—the third branch of the legislature—to confer upon that man the greatest power and authority that was ever vested in the hands of any British subject. Has not then that legislature which now stands present either in reality or in idea, which I now address in different parts of this House, and which I address even upon the throne in my mind's eye—has it not a right to call to a strict account that man who was so honourably appointed? If a man is appointed by court intrigue—if a man is appointed by personal favour—if by the particular friendship of a minister—if the particular friendship of the King should select this or that man to the discharge of a public duty—and he should ill discharge it, he is responsible, and gravely responsible, to his country for the trust which he has so ill discharged. But if an individual

Manner of his appointment.

His responsibility to Parliament.

15 Apr. 1788. should be appointed so honourably as this man was, by the solemn decision of Parliament, discussing his name and contemplating his character—vesting in him such a trust as I have described—your Lordships will think that that man ought to be peculiarly wary. And if he has misconducted himself, your Lordships will, no doubt, when you shall pronounce sentence upon him, view him in the exalted light I have stated, and view the dignity and honour in which he was placed, with the disgrace into which he has fallen, and the misery he has made others suffer. With regard to Mr. Hastings, as Governor General, he was bound to do everything for the interest of the India Company consistent with the interests of others; he was bound to maintain the guarantees of the India Company; he was bound to keep faith with the allies of the India Company; he was bound, as far as regards this charge, to take care that no person, and particularly that Asoff-ud-Dowla, should infringe the rights of these Princesses. This is not all; for Mr. Hastings has contrived to heap upon himself other responsibilities, which are set forth in the eleventh, twelfth and thirteenth, paragraphs. In the first place, your Lordships have heard of the illegal delegation to go to Benares and Oude. It will be unnecessary for me to enter at large into that subject again. I will merely state one or two arguments which occur to me, why this delegation must necessarily be illegal.

Paragraphs XI.—XIII.

Illegal delegation of power by Mr. Hastings.

In the first place, it is contrary to the instructions of the East India Company, which your Lordships have heard read. In the next place, the act gives no such power; but vests the Governor General and Council, as a body politic to transact their business, altogether incapable of separating themselves or going to different parts of the Company's possessions in India. And if any proof were necessary to support that, the late acts of Parliament, empowering the Governor General, now in India, to go to distant settlements, is another strong proof that the act gave no such power. But, besides that, there is another reason which shows that this delegation could not possibly be legal. There were four persons appointed of the Council at Bengal over Bengal, Behar and Orissa, with a superintending power over the other settlements, but with no power of going thither They were bound to do it altogether. If any were absent, the remaining persons were to do it; but one person could not execute the duty at one place and another at another place. Far less could they do this upon any principles of reason.

They could not possibly come into an agreement to yield up their opinion to one another. Suppose any of the learned persons who preside over the laws of this country, in any of the courts of justice which surround this hall, were to come to an agreement with any of their brethren, or all of the court, that whatever they determined upon such a case they would agree to, whether absent or present, giving their conscience and opinion in the discharge of their sacred trust into the hands of another, would not that be a crime upon the face of it, and such as must in the nature of it be illegal? There is no earthly difference between the constitution of the Supreme Council at Calcutta and the courts of justice in Westminster Hall, in that respect. Therefore, in the first place, by doing this illegal act, and in the next place, if it had been legal, Mr. Hastings vested himself with additional responsibility, putting himself out of his place. And therefore for whatever he did, in that situation, he is to be called upon to answer on a stricter and more minute investigation. 15 Apr. 1788.

Responsibility incurred by Mr. Hastings by appointing his own agent at Lucknow.

The next thing Mr. Hastings did, which clothes him with additional responsibility, was the appointment of his own agent to the court of Lucknow—professedly his own agent—and the withdrawing the agent or Resident of the India Company. Your Lordships have already heard of a similar transaction with regard to the affairs of Benares. The same transaction took place with regard to the affairs of Oude; and it took place upon a very extraordinary and singular occasion, at a singular time, and in a very singular manner. Your Lordships will observe that, on the 21st of May, 1781, Mr. Hastings determined to go to Lucknow, and the minute vesting him with the power, and the credentials, followed soon after. It happened upon that very day he sets forth, in consultation, his reasons (which I shall have occasion to allude to hereafter) for going to Lucknow; upon that very day he determines to recall Mr. Bristow. Now it is here necessary for the understanding the subject that I should state to your Lordships the history of the appointment of Residents to Oude. Your Lordships will find that Mr. Middleton was Resident at Oude in the year 1774; that Mr. Bristow, by the special appointment of the court of Directors, was appointed in December of that year to be Resident at Oude; that he was recalled upon the 2d of December, 1776, and Mr. Middleton was appointed again to succeed him in December, 1776; that Mr. Middleton

His recall of Mr. Bristow.

15 APR. 1788. resigned the Residency in 1779; that Mr. Purling was appointed in 1779, and recalled in September, 1780; that Mr. Bristow was again appointed in September, 1780. And it is necessary that I should state the transaction of this appointment. There is a long debate in the Council whether Mr. Bristow should not be appointed, in consequence of an order, which he himself carried with him from England, of the court of Directors, to be Resident at the court of Oude. This was suspended for some time. Mr. Francis brought the matter forward. Mr. Hastings made a violent, hostile and adverse, minute to Mr. Francis, stating the time to be improper. The Council then consisted of Mr. Francis, Mr. Wheler, Sir Eyre Coote, Mr. Barwell and Mr. Hastings The consequence then of this was that Sir Eyre Coote, who had been in the upper provinces with the army, retired while this question was under consideration. He required time to deliberate on it; he took a day for deliberation, and then came into the opinion of Mr. Francis; and accordingly they appointed Mr. Bristow to repair to Oude as Resident, in conformity with the order of the court of Directors. But Mr. Hastings thought it necessary that he should have a spy, not only upon the transactions of Oude, but upon the Resident placed there by the court of Directors. He pretended that, as that country depended immediately through him upon the Council, he should have a person there for the management of the finances, at least. Accordingly he made a proposition that Mr. Middleton should be appointed to the finances in Oude, and that Mr. Bristow should be confined to the management of the political concerns. The consequence of this was, that Mr. Bristow and Mr. Middleton both repaired to Oude. And your Lordships will see, throughout the evidence, that Mr. Middleton was at Oude merely as a spy upon Mr. Bristow; that he was contriving and concerting letters for the Wazir; that he was putting words in his mouth, calling upon him to make demands and propositions. The whole face of the correspondence bears the appearance that he was there for that purpose, and that purpose only. After this had gone on for some time; after it appeared that that trick which took place in almost every part of the government of Mr. Hastings was practised with the Nawab of Oude; that he was always in the habit of dictating the requisitions and propositions which were to be made to Mr. Hastings himself; your Lordships will find that, after a great deal of that, in the year 1781, upon the 21st of

His appointment of Mr. Middleton.

May, Mr. Bristow is recalled from Oude and brought back to Calcutta, and Mr. Middleton left in complete and full possession of both political and financial authority in the country of Oude. When I state that Mr. Middleton is described by Mr. Hastings to be his own personal agent; that he put him there because he was his own agent; that he treats him throughout as his agent; that from that time down to his defence in the House of Commons he says he was intitled to have a peculiarly confidential agent there; then your Lordships will view the conduct of Mr. Hastings through Mr. Middleton with a peculiar degree of jealousy, and will apply to it the strictest and nicest scrutiny you are capable of giving it. Not only this, but, at the time Mr. Hastings recalls Mr. Bristow, he does not state upon the record or anywhere else a single fault that he found with Mr. Bristow, so that it must appear to your Lordships most clearly, from the evidence I am about to state and from passages I shall read, that there could be but one motive, as my learned friend stated the other day, much better than I can state it, namely, that he wished to withdraw that screen for the purpose of preventing his machinations, crimes and misdeeds, being discovered, and that he might have a conspirator like himself in order to perpetrate these acts which his wicked imagination had devised.

15 Apr. 1788.

His object in recalling Mr. Bristow.

Your Lordships will find that, on the 22d of August, 1782, a person who resided at Calcutta, and had constant communication with Mr. Hastings on the part of the Nawab of Oude, whose vakil he was, Govind Ram, writes [to the Wazir] in this way—it is inserted in the Consultations and never anywhere contradicted:—"When Mr. Bristow formerly held the office of Resident," at Lucknow—"he was not apponted by him"—Mr. Hastings—"and notwithstanding he had not shown any instances of disobedience, yet he had deemed it necessary to recall him, because he had been patronized and appointed by gentlemen who were in opposition to him, and had counteracted and thwarted all his measures — that this had been his reason for recalling Mr. Bristow." Mr. Hastings appointed Mr. Bristow again in consequence of the orders of the court of Directors; and Mr. Hastings accompanied his appointment of Mr. Bristow with a letter of instructions.* In that letter of instruc-

* Printed in the Appendix to the "Minutes of the Evidence," Art. II. No. LIX.

15 Apr. 1788. tions there is the following paragraph:—"I do justice to my sense of your character in declaring my entire reliance on your prudence and integrity." Therefore, my Lords, he removed a man whom he not only did not charge at the time with any species of misconduct, but whom he has since praised and spoken of in this manner, without any exaction of that praise, but the mere spontaneous flowings of his own opinion. Then I have got two points of additional responsibility. First, the illegal delegation, and next, the withdrawing the Resident at Oude and appointing his own Resident there, under the gross and singular circumstances which I have stated. There is still another responsibility of a mixed and different kind; a responsibility which extends at the same time to the subjects of the India Company and the subjects of Oude. Mr. Hastings did, through the medium of Mr. Middleton, and by him as his proxy and creature, take upon himself the complete and absolute government of the country of Oude; and he did it, not in one only, but in every department of the government. And the proof of his having so assumed the government of Oude is from his own authority. For on the 23d of September, 1781, he writes thus:—

Responsibility incurred by Mr. Hastings in assuming the entire government of Oude.

Proof of his assumption of the government, from his letter of instructions to Mr. Middleton.

"My chief object in my negotiations with the Nabob has been to induce and assist him to bring his government and finances into such regularity as to prevent his alliance from being a clog instead of an aid to the Company, and to enable him to discharge his debt in the shortest time possible. To this end, the most essential point is to limit and separate his personal disbursements from the public accounts. They must not in their total amount exceed what he has received in any of the last three years."

Then your Lordships see that there he has invested himself with the charge of the civil list. [He then goes on]:—

"After settling the amount of the personal disbursements of the Nabob Vizier and his household, the next point that will require your exertions towards the general arrangement of the public charges is to reform the established Muttaiena troops, reducing them to one established corps for the whole service. If this corps should be brought to consist wholly of cavalry it would best answer mutual benefit, leaving no infantry in the Nabob's service but what may be necessary for his body guard; and to supply the deficiency, should any occur from such arrangement, our infantry may be employed where infantry are wanted. The corps reformed and established, their pay must be issued from the public treasury. No assignments to be in future granted them; and those already issued to be recalled. To complete this, all numbers above what the real service may require or the actual nett receipt may be adequate to the full payment of, must be disbanded as fast as their arrears can be paid off. The Nabob will select and appoint his

own commanders; but if he should nominate improper persons, such as men commonly known by the name of orderlies, or others deriving their influence from them, or of known disaffection to our government, you are in such case to remonstrate against it; and, if the Vizier shall persist in his choice, you are peremptorily and in my name to oppose it as a breach of his agreement. For the management of the collections, the ministers, with your concurrence, are to choose all aumeels and collectors, and in their choice to be guided by the responsibility, good reputation and known ability, of the persons they elect, that charges may as much as possible be avoided." 15 Apr. 1788.

Here then he has taken the government of the army. He is not, however, contented with the civil list and with the army; but he goes next to the distribution of justice. "Much is to be said, though little may now suit"—when it is compared with what he did, your Lordships will find indeed that little that respected the distribution of justice did suit Mr. Hastings to state—

"Much may be said, though little may now suit, upon the subject of the distribution of justice in the Nabob's dominions. For the present, I limit myself to direct you to urge the Nabob to endeavour, gradually, if it cannot be done at once, to establish courts of adaulut throughout his districts; the darogahs, moulavies and other officers of which must be selected, as in the case of the aumeels, by the ministers, with your concurrence. The want of these courts is equally hurtful to the revenue, government and reputation, of the Nabob." *

Therefore he is not only to regulate the courts of justice, by desiring the Resident to represent to the Nawab the necessity of it, but the officers who are to distribute justice. The judges, who are to discharge their duty in the distribution of justice in those parts, were to be named and appointed by Mr. Middleton.

Then I have him in possession of the civil list; then I have him in the control of the army; then I have him in the distribution of justice; then let us see how he managed them all three; but let us be particularly cautious that he has not done anything as a judge, that can either injure the individuals of Oude, disgrace the public character of England, or bring any infamy or calumny upon any of those individuals who so nobly and honourably appointed him. His crimes seem to me, like all the other evidence in this cause, and his responsibilities, to rise in climax. It seems the perfect, clear, regular, progress of vice from a small beginning to a great ending; from the pettiest fraud to the greatest crime; from a bare prevarication up to the foulest

* Printed in the "Minutes of the Evidence," p. 581.

15 Apr. 1788. robbery; from a simple lie up to the foulest murder. I shall trace it through all these steps; and your Lordships will see the most perfect picture of an improper, irregular and scandalous, conduct; at the same time that you see there was understanding and sense of virtue sufficient to express virtue feelingly, and no man could express it feelingly if he did not feel it—and power enough, if he had not been influenced by some foul motive to perpetrate the things which I shall prove to your Lordships he did perpetrate. Then he was bound, not only to act in Oude in such a manner as not to disgrace the interests of England, but he was bound to act in such manner as should be for the benefit and not the detriment of the subjects of Oude.

Dependence of Oude on the government of the Company.

In this situation I leave his responsibilities, and proceed now shortly to state to your Lordships the dependence which the province of Oude had upon the government of the East India Company, and particularly upon the Governor General, and his vesting Mr. Middleton with that power and authority.

Verdict of a special jury in England, in the case Rafael *v.* Verelst.

There is a very singular circumstance attends this part of the case,—a circumstance which some of your Lordships from your professional situation are acquainted with, and which all our constitutional advisers are perfectly well acquainted with—I mean a verdict of a special jury in this country, respecting the dependency of the province of Oude upon the Governor General or President and Council of Calcutta. Your Lordships know that there was a cause which very much interested the public some years ago—the cause of Rafael *v.* Verelst —in which, after a variety of terms, it at last came to this: the jury found a special verdict. The question was, whether or no the Governor, Mr. Verelst, had been guilty of a trespass upon the plaintiff. His justification was, that it was not he that did the act, but that it was Suja-ud-Dowla. The special verdict found in terms that Suja-ud-Dowla was so completely dependent upon the President and Council that the act of Suja-ud-Dowla must be supposed to be the act of Mr. Verelst. When this is applied to Suja-ud-Dowla, who was a Prince of considerable power and great authority; who, although he had been beaten by the India Company's forces, yet still maintained a considerable rank among the Princes of India; it applies independent of any additional evidence.

Dependence of Asoff-ud-

But, my Lords, there is much additional evidence still stronger in the case of Asoff-ud-Dowla, and your Lordships

15 Apr. 1788.

Dowla on Mr. Hastings.

will find a great deal of evidence to show the complete and absolute dependence of Asoff-ud-Dowla upon Mr. Hastings. In a letter of the 3d of October, 1782, he says, "he exists by his dependence upon our government." Thus his government was, as will appear to your Lordships, without the necessity of detailing that part of the evidence, put by Mr. Hastings completely and absolutely in the hands of Mr. Middleton.

Paragraphs XVIII.—XXX. Acts of criminality of Mr. Hastings.

His journey to Benares and Oude.

And this brings me to the most important fact. All the other part, although it has been prolix, is rather preliminary, but this brings me to those important facts of criminality with which I am to charge Warren Hastings. Your Lordships have heard of Mr. Hastings' journey to the provinces of Benares and Oude; your Lordships have heard of the transactions in Benares: it will only be necessary for me to recapitulate some dates which are of very considerable importance. Previous to Mr. Hastings' setting out for the provinces of Oude and Benares, he entered that minute upon the Consultations which I have already had occasion to state, and which it is excessively important in this place that I should read an extract from:—

Minute setting forth the necessity of the visit to the provinces.

"The province of Oude having fallen into a great state of disorder and confusion, its resources being in an extraordinary degree diminished, and the Nabob Asoff-ul-Dowlah having earnestly intreated the presence of the Governor General, and declared that, unless some effectual measures are taken for his relief, he must be under the necessity of leaving his country and coming down to Calcutta to represent his situation to this government; the Governor General, therefore, proposes, with the concurrence of Mr. Wheler, to visit the province of Oude as speedily as the affairs of the Presidency will admit, in hopes that from a minute and personal observation of the circumstances of that country, the system of management which has been adopted, and the characters and conduct of the persons employed, he may possibly be able to concert and establish some plan by which the province of Oude may in time be restored to its former state of affluence, good order and propriety."*

Your Lordships see that, upon the acknowledgment of Mr. Hastings, the province of Oude is not in a state of affluence, good order and propriety; because by the declaration of Mr. Hastings he is to go there to put it in a state of affluence, good order and propriety, by a minute examination into its circumstances, and by an attention to the characters who govern it. Now, my Lords, let us watch well in what manner he discharges this trust he imposes upon himself. Let us see that, instead of examining into the character of the persons, he does not receive bribes from

* Minute of Hastings, 21st May, 1781.—Printed in the "Minutes of the Evidence," p. 536.

15 APR. 1788. those persons. Let us see that, instead of looking into the circumstances of the province, he does not, blindfold, conclude a treaty, which he had no information to enable him to conclude. Let us see that, instead of affluence, good order and prosperity, he does not ransack every part of the province, and leave no person in possession of any possessions or wealth in that country unpillaged and unrobbed. Your Lordships will examine him by the purposes he stated before he set out. You will call upon him to account to you, not only for the situation in which he stood, as the situation of additional responsibility which he laid upon himself, but for the principles upon which he declared he went to Oude. He further says, "In remedying evils which have grown to so great a height, exertions will be required more powerful and immediate in their application than can be made through the delegated authority of the servants of the Company now in that province." These are the objects of his journey; accordingly he goes to Oude.

Your Lordships have heard the transactions at Benares; of his defeat there; of his necessarily retiring to Chunar. And it is now my duty to state to your Lordships that, while he was at Chunar, upon the 11th of September, 1781, the Wazir [arrived there. The Wazir] remained at Chunar till the 23d or 24th of September—not a fortnight. Mr. Hastings never left Chunar. The treaty of Chunar, the article of which relating to the Princesses of Oude I shall have occasion to read, was signed on the 19th of September, eight days after the arrival of the Wazir. A great part of the evidence respecting the treaty of Chunar arises out of the Benares' Narrative, which is now in evidence.

Observations on the date of Mr. Hastings' Narrative of the insurrection in Benares.

Before I proceed to state the treaty itself, it is therefore incumbent upon me, in order that your Lordships should understand the evidence when it is given, to make some few general observations upon that Narrative. Your Lordships will observe that the Narrative, on the top of it, is dated Chunar, the 1st of September, 1781, at the bottom it is dated 31st [1st] of December, 1781; the letter which incloses it is dated 1st of January, 1782 [31st of December, 1781]*; so that there are exactly four months between the first date and the date that incloses it. Therefore Mr. Hastings had all that time to manufacture his Narrative. He had every transaction which happened in that time to put toge-

* These are the dates, as they appear in the copy of the Narrative printed in the "Minutes of the Evidence." p. 109.

ther. Every circumstance that occurred that he could turn to his favour, every misrepresentation of date, or every sinking of date, it was in his powert o practise, according as the events of these four months should make it necessary for him to do; and four more eventful months never existed in the history of any country. 15 APR. 1788.

My Lords, I shall make no further observation upon the Narrative at present but this, that I can point out to your Lordships good reasons from other evidence to prove that those facts which Mr. Hastings states, in certain points of view, are not truly represented; that, instead of writing that Narrative under the sanctions which he pretends he wrote it under, your Lordships will find that it was manufactured; that instead of being written on the 1st of September, and onward—that it was in point of fact all made up and manufactured to answer the particular purposes he had in view.

The treaty of Chunar.

My Lords, I come now to the treaty of Chunar itself; for I take it at present only upon the simple consequence of the infraction of that treaty, without any of the circumstances which aggravated that infraction. Your Lordships will find in the Appendix to the Benares Narrative a letter, dated the 29th of November, 1781, with a copy of the treaty of Chunar enclosed, the second article of which runs in the following words:—"That, as great distress has arisen to the Nabob's government from the military power and dominion assumed by the jagcardars, he, the Nabob, be permitted to resume such jaghires as he may find necessary." Your Lordships will observe in the sequel, that in Mr. Hastings' vocabulary permission means compulsion, and that, instead of being permitted to do what he thought was right, he was compelled to do what he knew was wrong. The article of the treaty further says, that this is to be "with a reserve, that all such for the amount of whose jaghires the Company are guarantees shall, in the case of the resumption of their lands, be paid to the amount of their nett collections, through the Resident, in ready money." Now, my Lords, this is the article, and this article is signed upon the 19th of September, 1781.

Article empowering the Nawab to resume the jagirs, with reservation respecting the Company's guarantee.

The paper that I have next to read to your Lordships is called an *Explanation of that article.* But it is essentially necessary, before I read that paper, that I should show your Lordships the questionable shape in which that paper is here tacked to this article. Mr. Hastings pretends that

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Date of his communication of the treaty to the Council.

he, on the 29th of November, 1781, transmitted to the Board at Calcutta an account of these articles; consequently that all that was then done was transmitted. Whether he did transmit it on the 29th of November on no is a matter of very little consequence to me, because all that I mean to show is this, that, one way or other, Mr. Hastings must have prevaricated with regard to this inclosure; and by that means I shall establish to your Lordships that nothing that proceeds from it is to be taken as truth. He sets forth various pretences, in this letter of the 29th of November, why he did not write before. One pretence is, that he had not time. Now from the arrival of the Nawab at Chunar, on the 11th of September, 1781, down to the 13th of October, Mr. Hastings, in point of bulk of mere writing, writes more to Mr. Wheler than all that is in this letter and in the paper accompanying this letter, if he had written them with his own hand. But one half and more of the papers accompanying this letter is business that could have been done by an amanuensis, and therefore an excuse of want of time is of no weight. When exalting himself to the situation of a demi-god, and making himself, instead of the civil Governor, a conquering Marlborough in the field,—then he has full time to employ his pen. But when he is to do that which regards the rights of others, when doing that which regards the rights of those whom by the dying words of Suja-ud-Dowla he was bound to defend, when it was necessary to do anything to prevent an infraction of those rights—he has no time for that.

False reasons assigned for his delay in communicating with the Council.

Pretence of absence of authentic papers respecting the treaty.

There is a pretence of a still more extraordinary nature; that is, that he could not have done it sooner, because Mr. Middleton had carried the necessary papers with him to Lucknow. The first evidence I can find of his asking for those papers is upon the 19th of December, before the date of the letter which incloses the Narrative; and therefore this 29th of November, for aught I know, is a mere fabrication. Upon the 22d of December, 1781, Mr. Middleton writes from Lucknow to Mr. Hastings :—"I have been honoured with the receipt of your letter of the 19th instant, and in obedience to your commands shall forward to you by the first safe opportunity your agreement with the Nabob Vizier, the treaty of Chunar, together with such other authentic papers as are connected with it." This was written upon the 22d of December, acknowledging the receipt of Mr. Hastings' letter of the 19th of December. Three

days being the time it took to go from Benares to Lucknow. 15 APR. 1788.
Then one of these two things must be true, either that Mr. Hastings was in possession of the papers at the time he wrote the letter on the 29th of November, or the letter of the 29th of November has a false date.

It is perfectly the same to me which of the two positions he assumes. The conclusion I draw from it is this—and it is a conclusion which must strike home upon your Lordships' minds—that the whole of this business is a fabrication; that what I am going to read, namely, this explanation of the treaty of Chunar, this marginal note of Mr. Middleton upon it, written subsequent to a very remarkable period, namely, the determination to seize the treasures, was an after-thought—a contrivance—an imposition. It sets forth facts he did not know at the time. And when I come to examine this marginal note, and check it by the evidence, your Lordships will see that it is absolutely impossible that, consistently with what he knew, consistently with what existed, and consistently with what he declared—it is absolutely and clearly impossible and impracticable that that which he asserts for truth in that marginal note could have existed at the time of the execution of the treaty of Chunar. The note is this:—

Mr. Hastings' note of explanation of the treaty mis-dated.

"The jaghires possessed by the Begums have enabled them to give frequent disturbances to the Nabob's government, and it can be well attested that they principally excited and supported the late commotions in Gorruckpoor, &c., in concert with Cheyt Sing, and that they carried their inveteracy to the Nabob and the English nation so far as to aim at our utter extirpation. By a disposition so malignant, and a conduct so offensive and even dangerous to our existence, as have been manifested by the Begums, without the smallest injury or provocation on our parts, they have forfeited all claim to the protection which we afforded them, in exacting from the Nabob, at the time Mr. Bristow assisted him in obtaining thirty lacs of rupees from them, a promise to our government that those ladies should enjoy full possession of their jaghires unmolested. We have a right to withdraw this protection when they are no longer worthy of it, and to provide against their machinations by a concession of that pledge which afforded them the means of injuring and distressing us. The Begums will suffer no actual loss by the resumption of their jaghires, except of an influence which they have invariably employed to the most pernicious purposes against one state which has conferred and another which has secured and protected them, since it is stipulated that they should receive the amount of the nett collections of them in money."*

Terms of the note justifying the resumption of the jagirs of the Princesses.

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* Printed in the "Minutes of the Evidence," p. 580.

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Observations on the substitution of a pension for the possession of their estates.

I will show your Lordships they never had the annual amount in money; to say they will suffer no actual loss is absurd. Will any of your Lordships say that you would be as respectable in this country if you were deprived of your landed estates, by having a pension from the Crown to the same amount? In all countries in the world, but particularly in eastern countries, property in land necessarily gives a great degree of rank and consequence; and it is an insult to common sense to say the Begums are in the same situation as before. They are persons of high rank, possessing great landed property, which property is guaranteed by us; and then Mr. Hastings says, they will suffer no loss because they will have an annual pension equal to those jagirs depending upon his pleasure, which pleasure was never executed.

The charges of criminality preferred against the Princesses fabricated by Sir Elijah Impey.

But the grave and material part of these marginal notes is the charge of criminality against the Begums. There is a character whom I shall be under the necessity of introducing to your Lordships more particularly hereafter, whom it is necessary I should now mention. I mean Sir Elijah Impey, Chief Justice of India. Between the 10th of November and the 29th of November, Sir Elijah Impey and Mr. Hastings had had various interviews. He consulted Sir Elijah Impey as the keeper of his conscience—he consulted him as skilled in law—he consulted him as a sensible adviser I wish, my Lords, I could say that the advice he gave him was such as he ought to have given, or such as Mr. Hastings ought to have received. That excuse and that reason, which is stated in the end of this note, is almost in the direct words of Sir Elijah Impey himself. It is fabricated therefore after the interview with Sir Elijah Impey. The fact did not exist before. He did not know the law till Sir Elijah Impey came. The fact never existed at all, for it is fabricated. Sir Elijah Impey applied bad law to a fabricated fact, and to that Mr. Hastings applied a false date. He writes to Mr. Wheler letters of the 11th, 18th, 22d, 27th, and 29th of September, and the 7th and 14th of October, many of them long, all of them important, many mentioning troubles in Oude, none of them stating at all at any one period the names of the Princesses of Oude as at all concerned in these troubles, but stating the troubles in this way,—“ The province of Oude has caught the contagion, but I shall dismiss the Nabob in a few days. I doubt not that these troubles will be soon

quelled." Thus he writes on the 18th of September, and the Nawab quitted Chunar a short period after. 15 Apr. 1788.

Then I have established, from the best evidence—the evidence of the thing itself—that the explanation he gives of his own treaty was an after-thought: that your Lordships are to pay no credit to it; and that your Lordships must necessarily conclude that this extraordinary, this wonderful production, the Narrative of Benares, was written to serve a particular purpose, notwithstanding the solemn asseveration with which it begins. Mr. Hastings, says:—

Mr. Hastings' explanation of the treaty an after-thought.

"May the God of truth so judge me as my own conscience shall condemn or acquit me of intentional deception!"

My Lords, the God of truth must judge that man—according to the sentiments and according to the opinions that I delivered to your Lordships upon these dates.

[*Mr. Hastings, in a kind of whisper, said,*—"It is false."]

Interruption by Mr. Hastings.

Mr. Adam.—I say it is impossible, from what I have stated; and if the insolence of the prisoner dare to whisper across the court to me that what I have stated, as Manager for the House of Commons, is false, I shall, if that is again repeated, call for your Lordships' protection. I will not put myself upon an equality with him. I stand here his superior. I heard the word "false." My Lords, I assert the truth; I enforce it with those arguments and those reasons that must stand against the assertion of that man. My Lords, this is a deviation from propriety, this is a deviation from discretion, but I will not interrupt the thread of this important story with any further observations upon it. I say that those dates prove to me, and the observations I have made will, I trust, satisfy your Lordships, that this Narrative was a scandalous manufacture for the purpose of imposing upon the English nation, and making it believed that that man did right in bringing an injured, innocent, high-born, high-minded, highly-possessed set of people into a situation of such degradation and misery as will make your Lordships' hair stand on end when you hear it stated.

My Lords, I now proceed with the narrative of this business, begging pardon of your Lordships if I have deviated (by accidentally hearing a very extraordinary expression) from any of those proprieties which I should certainly wish always to observe. I have now to state to your Lordships that these jagirs were taken away, and that the annual amount of these jagirs was not paid to the Princesses, nor

The Princesses deprived of their jagirs, and the

15 APR. 1788. to the persons to whom they ought to have been paid. First of all I state to your Lordships a letter of Mr. Hastings, in answer to one of the 20th of January, 1782, from Mr. Middleton, which your Lordships will find to be subsequent to the period at which the jagirs were ordered to be seized and the treasures were ordered to be taken possession of. He says in that letter of the 27th of January, 1782:—

annual value not returned to them.

"I desire that you will endeavour to dissuade the Nabob from concluding any settlement with the Begums, till the Board or myself have been advised of the amount of the treasure recovered from them, and of the balance due at the latest period from the Nabob to the Company."*

Your Lordships therefore see from this letter that Mr. Hastings' determination was not to do anything with respect to those jagirs till he had consulted the Council. Upon the 23d of October, 1782, your Lordships will observe he says as follows:—

"The severities which have been exercised towards the Begums were most justly deserved by the advantage which they took of the troubles, in which I myself was personally involved the last year, to excite a rebellion in the Nabob's government, and to complete the ruin which they thought was impending on ours. If it is the Nabob's desire to forget and forgive their past offences, I have no objection to his allowing them in pension the nominal amount of their jaghires; but if he should offer to restore their jaghires to them, or to give them any property in land, after the warning which they have given him by the dangerous abuse they made of his indulgence, you must remonstrate in the strongest terms against it. You must not permit such an act to take place until this government shall have received information of it, and shall have had time to interpose its influence for the prevention of it."

Your Lordships will observe that this letter contains an acknowledgment that, according to Mr. Hastings' knowledge, the annual amount had not been paid; for it says, "you may pay them the annual amount, but must not give them back their landed property."

Upon the 25th of September, 1783, near two years after the treaty, Mr. Bristow writes to the Board:—

"I transmit you a list (at the head of which stands the Begum's) of the jaghires resumed since the agreement at Chunar in 1781. I have only to observe, in regard to the jaghirdars, that very few of them have received any part of their allowances, and they are all in great distress."

Then, on the 6th of November, 1783, there is a letter from the Wazir to the Board, saying:—

"The distresses which they (the Princesses) have individually suffered

* Printed in the "Minutes of the Evidence," p. 871.

are beyond description: and on this account it is now my wish to put my grandmother, and my mother and other relations, again in possession of their jaghires." 15 Apr. 1788.

This is accompanied with a list, and at the beginning of that list are the two Princesses' names. This, then, proves to your Lordships that that proposition which made a part of the treaty of Chunar was not fulfilled, and they were not put in possession of the annual amount; otherwise they could not have been in that state of distress which is here described. This concludes the determination, and in point of fact the actual resumption of the jagirs.

Seizure of the treasures of the Princesses.

My Lords, I now come to the statement of the seizure of the treasures. And here I shall at present detain your Lordships but for a moment, because I shall content myself merely with stating dates. Your Lordships recollect that Cheyt Sing was arrested upon the 16th of August, 1781. The commotions in Oude will be proved to be about the 8th of September, 1781. These commotions I shall prove were of this nature. Several of the distant provinces of Oude had been extremely oppressed, particularly by the English government. And whenever the English troops retired, which they necessarily did, in order to give assistance to Mr. Hastings at Benares, the consequence was that these people, having been oppressed, rose in a manner which they naturally would do when the power that oppressed them was removed. Your Lordships will find by a letter of Mr. Hastings to Mr. Wheler, that on the 11th of September the Wazir was with him at Chunar. Upon the 19th of September, the treaty of Chunar is dated. Upon the 24th or 25th (I am not able to ascertain which), the Wazir left Chunar to return to his capital: but your Lordships will find that, instead of returning to his capital, he went by way of Fyzabad, which lies ninety miles west of Lucknow, and consequently he was obliged to go ninety miles about. On the 29th of September, 1781, Mr. Hastings writes to Mr. Wheler as follows:—

"The same spirit animated every officer of every corps, and infused itself into the men under their command, with an effect so far exceeding the common occurrences of human affairs that in the complete space of one month this great and valuable province"—that is, the province of Benares—"which had been suddenly and wholly lost, was in substance wholly recovered to the British empire."*

Then on the 29th of September, by the declaration of

* Printed in the "Minutes of the Evidence," p. 586.

15 Apr. 1788. Mr. Hastings himself, all the troubles of Benares were at an end. The country was restored in a manner to peace, and the government consequently could take its natural course. On the 10th of November, 1781, your Lordships already know that Bidjey Ghur was taken; Cheyt Sing had been driven out of the country some time before. Therefore the 10th of November, 1781, is an extremely material date. On or about that time Mr. Hastings met Sir Elijah Impey at Chunar. Between that period and the 19th or 20th of November, 1781, Sir Elijah Impey set off for Oude to take the affidavits which I shall have occasion to mention hereafter. On the 23d of November, 1781, he arrived at Lucknow. On the 29th of November, 1781, he left Lucknow; and I find a letter, dated the 1st of December, 1781, from Sir Elijah Impey to Mr. Middleton, which letter contains an account of an interview between Sir Elijah Impey and Mr. Hastings respecting the matters which had been transacted between Sir Elijah Impey and Mr. Middleton at Lucknow, in consequence of Mr. Hastings' instructions; therefore he must have been back at Chunar on the 1st of December. In that letter he says:—

Proceedings of Sir Elijah Impey.

"What we talked of respecting the Begums he (Mr. Hastings) highly approves; he wished it to be done immediately. I need not mention the necessity of taking care that the money be applied to the Company's use."

Your Lordships see from this letter it is extremely difficult to conceive what it was they talked of with respect to the Begums. The affair of the jagirs was [contained in] a written treaty, sealed with the seal and signed with the name of Mr. Hastings; therefore it could not be a matter which which was necessary to be kept secret. But he says in the latter part, "you must take care that the money be applied to the Company's use." Therefore it necessarily appears that it was about money they were talking. This will be a clue to what follows, and show the dark and ambiguous way in which Mr. Hastings, Sir Elijah Impey, and Mr. Middleton, dealt with each other with respect to seizing these treasures; that this dark, ambiguous, unintelligible sentence is clearly applicable to money. And therefore your Lordships will find hereafter that it is applicable to the seizure of the treasures. This is all I find necessary at present to state with regard to the determination to seize the treasures and resume the jagirs.

I now come to that part of the Article which respects the

means by which the treasures were to be seized and the jagirs to be resumed. In the first place, the reluctance of the Nawab is a matter of very considerable importance in this case. Your Lordships will find throughout the whole of the evidence that the permission which he gave the Nawab to resume the jagirs he arbitrarily construed into a compulsion, and that he compelled the Nawab to do that which he only permitted him to do by the treaty.

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Reluctance of the Nawab to the seizure of treasures and the resumption of the jagirs.

It is unnecessary to waste your Lordships' time at present with reading the various letters which prove that. I shall only assert, depending upon the letters proving it, that throughout the whole of that business your Lordships will find the Nawab expressing the most unconquerable reluctance that could be imagined; and that this unconquerable aversion to the measure is communicated by the agent (Mr. Middleton) of Mr. Hastings. Mr. Middleton says, "he had issued his own perwunnas to the aumils." Therefore your Lordships will see that the Nawab's acquiescence at last was only nominal; that the cause of it was this: Mr. Middleton having issued his orders in his own name to the servants of the Nawab was a complete and absolute assumption, in the eyes of the country and all the inhabitants, of the government. The Nawab had submitted to those hidden modes by which Mr. Hastings carried on the government of Oude. He had submitted to those letters of requisition and propositions which he had required him to make. He submitted to all that; but it was impossible for him to submit to degradation in the eyes of his subjects; to permit it to be believed that that family which had raised itself to the throne by the activity of Sufdar Jung, should be so degraded in the eyes of all Hindustan, so ruined in reputation in the eyes of all the Indian powers, so ruined in reputation even in the eyes of his own subjects, as to have the whole authority and magistracy of the country openly and professedly taken out of his hands. Mr. Middleton has stated, and cannot deny it, at your Lordships' bar; and, if new information has got into his mind since your Lordships will compare it with that which was recent in his memory; it is impossible for Mr. Middleton to deny, that he submitted to do that last act of degradation; that is, after having lost the power, to lose the reputation of that authority which is frequently dearer to men than power itself.

His resistance to the surrender of his authority.

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This is the situation in which these jagirs and in which these treasures were compelled to be taken. This was the sentiment of the Nawab's mind upon the subject. The language of Mr. Middleton is so strong, that no words of mine can add anything to it.

Manner of seizure of the jagirs.

I shall proceed now to state shortly some matters of very considerable importance with regard to the manner and origin of seizing these treasures and these jagirs. My Lords, it was determined to seize the jagirs, upon the 19th of December, 1781. Mr. Middleton writes Mr. Hastings a letter, stating to him that the Begums had determined to resist the resumption of the jagirs; and he incloses in that letter several letters from the younger Princess expressive of her great disgust. Mr. Middleton was impressed with the representations made by the Wazir, and the resistance expected from the Princess; and, being impressed with this, he was, perhaps, rather more tardy than Mr. Hastings wished him. Accordingly Mr. Hastings, upon the 26th of December, 1781, writes to him a letter of a very extraordinary nature,—a letter upon which a great part of this cause hinges,—by which Mr. Hastings makes himself completely responsible for all the consequences that followed, even if he had not done anything afterwards to approve them—a letter which I flatter myself your Lordships will pay particular attention to, and store in your memories,—which letter I shall beg leave to read in detail to your Lordships:—

Letter of Mr. Hastings to Mr. Middleton urging the seizure of the jagirs and treasures.

"My mind has been for some days suspended between two opposite impulses; one arising from the necessity for my return to Calcutta, the other from the apprehension of my presence being more necessary and more urgently wanted at Lucknow. Your answer to this shall decide my choice.

"I have waited thus long in hopes of hearing that some progress has been made in the execution of the plan which I concluded with the Nabob in September last. I do not find that any step towards it has been yet taken, though three months are elapsed, and little more than that period did appear to me requisite to have accomplished the most essential parts of it, and to have brought the whole into train. This tardiness, and the opposition prepared to the only decided act yet undertaken, have a bad appearance. I approve the Nabob's resolutions to deprive the Begums of their ill-employed treasures. In both services it must be your care to prevent an abuse of the powers given to those that are employed in them. You yourself ought to be personally present. You must not allow any negociations or forbearance, but must prosecute both services, until the Begums are at the entire mercy of the Nabob, their jaghires in the quiet possession of his aumils, and their wealth in

such charge as may secure it against private embezzlement. You will have a force more than sufficient to effect both these purposes." 15 APR. 1788.

Then your Lordships will observe that, according to this letter of Mr. Hastings, Mr. Middleton is to take the Nawab with him. But Mr. Middleton is to do the business, that is under the order of Mr. Hastings. Mr. Middleton is to execute this atrocious act with the power of England, but in the name of the Nawab, against the parents of that Prince. [He then goes on :]—

"The reformation of his army and the new settlement of his revenues are also points of immediate concern, and ought immediately to be concluded. Has anything been done in either? I now demand, and require you most solemnly to answer me, are you confident in your ability to accomplish all these purposes and the other points of my instructions? If you reply that you are, I will depart with a quiet and assured mind to the Presidency, but leave you a dreadful responsibility. If you disappoint me, if you tell me you cannot rely on your power and the other means which you possess for performing these services, I will free you from the charge; I will proceed myself to Lucknow, and I will myself undertake them. In that case, I desire that you will immediately order bearers to be stationed for myself and two other gentlemen between Lucknow and Illahabad. I will set out from hence in three days after the receipt of your letter. I am sorry that I am under the necessity of writing in this pressing manner. I trust implicitly to your integrity. I am certain of your attachment to myself, and I know that your capacity is equal to any service; but I must express my doubts of your firmness and activity, and above all of your recollection of my instructions and of their importance. My conduct in the late arrangements will be arraigned with the rancour of disappointed rapacity;"—

this is a charge directly at his masters, the India Company—

"and my reputation and influence will suffer a mortal wound from the failure of them. They have already failed in a degree, since no part of them has as yet taken place, but the removal of our forces from the Duab and the Rohilcund, and of the British officers and pensioners from the service of the Nabob, and the expenses of the former thrown without any compensation on the Company. I expect a supply of money equal to the discharge of all the Nabob's arrears, and am much disappointed and mortified that I am not now able to return with it. Give me an immediate answer to the question which I have herein proposed, that I may lose no more time in fruitless inaction." *

My Lords, I am sure that to your Lordships' minds, which are endowed in early life with all the stores of classical knowledge, with everything which the refinement of

* Printed in the "Minutes of the Evidence," p. 807.

15 Apr. 1788. the ancient Latin poets could say—that it must have occurred to your Lordships' minds that this letter is the exact counterpart of the letter described by the Roman satirist, when he says:—

> "Sed quo cecidit sub crimine? Quisnam
> Dilator? Quibus indiciis—quo teste probavit?
> Nil horum. Verbosa et grandis epistola venit
> A Capreis. Bene habet: nil plus interrogo."

Reflections on the purity of British justice.

This, my Lords, is the true spirit of the letter from Chunar. Under what crime have they fallen? Who are their accusers? What are the witnesses? Where is the information? What are the articles exhibited against them? There is nothing of all this; but a letter of dreadful responsibility comes from Chunar. And then says Mr. Middleton: "It is well. I march to-morrow to Fyzabad. I ransack the palace of the Princesses. Take them by storm. I will not treat with them even for an hour."

It will not be so with your Lordships. The same poet has, with the same satire and truth, described the situation of the Roman governors after they had lost their liberties—

> "Atque duas tantum res anxius optat;
> Panem et circenses."

My Lords, it is not so, thank God! with the people and the constitution of Great Britain. We stand peculiarly and singularly indebted to Providence. Our governors are in a more responsible situation than ever existed in any country in the world. The highest improvement in the arts of luxury, which have arisen to a species which have almost ruined the rest of mankind, everything that can make them feel, that can cultivate human nature, that can adorn their understanding or gratify their tastes, everything that it is possible for a man to enjoy in this state, is enjoyed by this blessed country. My Lords, it has a blessing beyond all that—a blessing which your Lordships, in your constitutional hearts, must feel—a blessing which the King, Lords and Commons, of this country have preserved to this country beyond any other nation upon the earth—that, with all that luxury and refinement, and all those circumstances I have described, we have preserved entirely our British liberties. Your Lordships are not only pleased with those delightful entertainments which, when innocent, improve the mind and soften the heart; but your Lordships have vigorous and sturdy minds, like Britons; are capable still of

feeling like your ancestors; are capable of extending your minds across that trackless and barren ocean which has become, by the industry of man, a highroad of wealth to the inhabitants of the earth. Your Lordships will not feel, with debased Middleton, "bene habet." Your Lordships will interrogate to the quick—sound it to the bottom. Your Lordships will see that there is nothing improper there. Your Lordships will call upon him to bring forth such a defence with regard to these innocent Princesses as will convince you that he was not a man injuring the nearest and dearest rights of society, and violating those rights which he was appointed by the King, Lords and Commons, in their great legislative imperial capacity, to protect—that he did protect those Princesses, who, by the dying voice of Suja-ud-Dowla, he was to befriend when Suja-ud-Dowla was no more. Good God, what are the friendships of this man? 15 Apr. 1788.

I told your Lordships I should be able to bring you back again to the impure soil of the Rohilla war. Your Lordships will find in the sequel that there is nothing in the Rohilla compact, which disgraces the records of Parliament, which disgraces the records of the India Company, which contaminates this nation—there is nothing worse in that Rohilla contract than in those circumstances which I am about to state. Your Lordships will find that, in consequence of this dreadful letter of the 26th of December, 1781, Mr. Middleton marched to Fyzabad; that he stormed the town; that he was blamed by Mr. Hastings for treating only for two days, and in so singular a manner that it is impossible for me not to read that part of the correspondence to your Lordships. On the 25th of January, 1782, Mr. Hastings says:—

Fyzabad stormed by Mr. Middleton.

"I have received your letters of the 31st *ultimo*, the 8th, 10th, and 18th instant. The satisfaction I received on the first advice of your success at Fyzabad has been greatly allayed by my disappointment of its effects. I am compelled to remind you of my instructions contained in my letter of the 26th of December. They were the most positive that you were not to allow any negociation or forbearance"—

Letter of Mr. Hastings blaming Mr. Middleton for allowing time to the Princesses to treat.

Your Lordships see, that if even the letter of dreadful responsibility had not been so sufficient to charge that man with everything which I charge him with, this is a complete acquiescence in the propriety of that letter, after the fact is committed.

"but to prosecute both services until the Begums were at the entire mercy of the Nabob, their jaghires in quiet possession of his aumils,

15 APR. 1788. and their wealth in such charge as might secure it against private embezzlement. You began by negociation, which had the natural effect o exciting resistance; and you now tell me that, without hesitating a moment, you have given your concurrence to a temporary forbearance. It is possible that in this repeated opposition to my orders you have been actuated by some necessity; but this I can hardly suppose, as you have not even alluded to them or assigned reasons for having deviated from them. I shall wait anxiously for the result of your proceedings. After having, at the earnest solicitation of the Nabob, in the first instance, and his application to me for my concurrence in the second, agreed to his resumption of the jaghires held by the Begums and to the confiscation of their treasures, and thereby involved my own name and the credit of the Company in the participation in both measures, I have a right to require and insist on the complete execution of them, and I look to you for their execution; declaring that I shall hold you accountable for it if they shall fail of the ends proposed, after the attainment of the means which the dismission and dispersion of their forces and the possession of the kellah have afforded you for accomplishing them, beyond the apparent possibility of a disappointment." *

Answer of Mr. Middleton.

Mr. Middleton answers to this letter upon the 5th of February, 1782, in which he acknowledges the receipt of the letter, and goes on to say:—

"In the present instance it was more in appearance and expression than in fact that any deviation was made from your orders of the 26th of December. For although I was constrained, from my strict regard to the accomplishment of what I considered the first object of this undertaking, to admit of a temporary forbearance, for the reasons assigned in my address of the 18th ultimo, the Begums were at that time to be considered as entirely at the mercy of the Nabob, their jaghires were in possession of his aumils, their troops dispersed, and the kellah of Fyzabad, which included also the Bow Begum's own habitation, under the guard of his Excellency's and our troops."†

The ministers of the Princesses put in irons.

It remained only to get possession of her wealth, and to effect this he informs him he has put her ministers in irons; and he gives a description of that. Your Lordships then see that, after the transaction at Fyzabad, and after Fyzabad had been taken, which happened upon the 12th of January, 1782, Mr. Hastings disapproved of that temporary delay of two days for negotiation; he was enraged because Mr. Middleton had not immediately stormed the town; and that he was, by the letter of the 15th of February, 1782, put in complete possession of the cruelties that were practised, and of the fetters that were imposed upon the ministers of the Princess.

Reasons for forbearing Description

My Lords, I shall leave that part respecting these cruelties to the evidence, being perfectly sensible that it is much

* Printed in the "Minutes of the Evidence," p. 821.

† Printed as above, p. 825.

better that any matter of that kind should appear in evidence for the observations of those who will hereafter, with much more ability than I am capable of, recapitulate the circumstances of the evidence, and point them out as they apply to particular parts of the cause,—it will be better that I should leave them to such talents than detain your Lordships in this stage of the cause with an enumeration of them. It is sufficient for me to state the fact, and inform your Lordships that the facts will be proved.

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of cruelties practised on the ministers.

The next part of the case to which I allude is of very considerable consequence, and to which I alluded formerly. It regards the women and family of Suffdar Jung and Suja-ud-Dowla. There is a dispute between those who prefer these charges and Mr. Hastings with respect to who had the charge of that family. Mr. Hastings says, the Nawab was compelled to maintain that family. Those that maintain these charges say, that may be, but, besides that, the Princesses not only had their jagirs granted to them for that purpose, but they did in fact maintain the family. And here again we have the evidence of the thing itself; that from the very moment these unhappy women were deprived of their jagirs and of their treasures, the family of the deceased Prince fell into want and misery, to such a degree that I am sure it must shock your Lordships to hear. I will state very shortly indeed one or two of the representations of persons upon the spot, with regard to the situation of these unhappy and unfortunate women. Major Gilpin, upon the 30th of October, 1782, writes to Mr. Bristow, then, again, Resident at the court of Oude:—

Treatment of the family of the late Nawab.

"Last night, about 8 o'clock, the women in the Khourd Mhal zenana,"—

that is, the lesser palace, that was appropriated for their residence—

Letter of Major Gilpin describing their want of food.

"under the care of Lettafut Ali Khan, assembled on the top of the buildings, crying in a most lamentable manner for food; that for the last four days they had got but a very scanty allowance, and that yesterday they had got none. The melancholy cries of famine are more easily imagined than described, and from their representations I fear the Nabob's agents for that business are very inattentive. I therefore think it necessary to make you acquainted with the circumstance, that his Excellency the Nabob may cause his agents to be more circumspect in their conduct towards these poor unhappy women." *

* Printed in the "Minutes of the Evidence," p. 897.

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Their dependence on the Princesses.

From this latter part it seems as if it was the Nawab's agents who had the charge of them; but your Lordships will see throughout that the Begums had a particular charge of them, and that in fact they suffered from the moment the Begums were deprived of their property. He [Major] Gilpin writes in a letter of the 15th of November:—

Second letter of Major Gilpin.

"The repeated cries of the women in the Khourd Mahl zenana for subsistence has been truly melancholy. They beg most piteously for liberty that they may earn their daily bread by laborious servitude, or be relieved from their misery by immediate death." *

Those persons who in the kaulnama of 1778— to which the British East India Company was a party, of which Mr. Hastings was in possession, at least, in the year 1780 —were treated with so much respect and so much deference that they were thought fit to be the subject of a public treaty between two such powers as the India Company and the Nawab of Oude, to be secured in their education and marriages — their rights are particularly guaranteed and protected — these are the people who were willing to earn their bread by laborious servitude, or to put an end to their miseries by death. Upon the 29th of January, 1784, Mr. Bristow transmits to Calcutta another letter, containing a relation of the hardships endured by the ladies in the Khurd Mahal:—

Letter of Mr. Bristow relating to the sufferings of the ladies.

"The ladies, their attendants and servants, were still as clamorous as last night. Lataffit, the daroga, went to them, and remonstrated with them on the impropriety of their conduct, at the same time assuring them that in a few days all their allowances would be paid, and should that not be the case he would advance them ten days' subsistence, upon condition that they returned to their habitations. None of them, however, consented to this proposal, but were still intent upon making their escape through the bazar, and in consequence formed themselves in the following order: the children in the front; behind them the ladies in the seraglio; and behind them again their attendants. But their intentions were frustrated by the opposition they met with from Lataffit's sepoys. The next day Lataffit went twice to the women, and used his endeavours to make them return into the zenana, promising to advance them 10,000 rupees; which, upon the money being paid down, they agreed to comply with; but night coming on, nothing transpired. On the day following their clamours were more violent than usual. Lataffit went to confer with them on the business of yesterday, offering the same terms. Depending upon the fidelity of his promises, they consented to return to their apartments; which they accordingly did, except two or three of the ladies and most of their attendants. Lataffit then went to Hoshmund Alley Cawn, to consult with him about what means they should take. They came to a resolution of driving them in by force,

* Printed in the "Minutes of the Evidence," p. 898.

and gave orders to their sepoys to beat any one of the women who should attempt to move forward. The sepoys accordingly assembled, and, each one being provided with a bludgeon, they drove them by dint of beating into the zenana. The women, seeing the treachery of Lataffit, proceeded to throw stones and bricks at the sepoys, and again attempted to get out; but, finding that impossible from the gates being shut, they kept up a continual discharge till about 12 o'clock, when, finding their situation desperate, they returned into the rung mahl, and found their way from thence into the palace, and dispersed themselves about the house and gardens. After this, they were desirous of getting into the Begum's apartments; but she, being apprised of their intentions, ordered the doors to be shut. In the meantime Lataffit and Hoshmund Alley Cawn posted sentries to secure the gate of the lesser mahl. During the whole of this conflict the ladies and women remained exposed to the view of the sepoys. The Begum then sent for Lataffit and Hoshmund Alley Cawn, whom she severely reprimanded, and insisted upon knowing the cause of this infamous behaviour. They pleaded in their defence the impossibility of helping it, as the treatment the women had met with had only been conformable to his Excellency the Wazir's orders. The Begum alleged that, even admitting that the Nawab had given these orders, they were by no means authorized to disgrace the family of Sujah-ul-Dowlah, and should they not receive their allowances for a day or two it could be of no great moment; what had passed was now at an end; but that the Vizier should certainly be acquainted with the whole of the affair, and whatever he directed she would implicitly comply with. The Begum then sent for two of the children who were wounded in the affray of last night, and after endeavouring to sooth them she sent them again to Lataffit and Hoshmund Alley Cawn, and in the presence of the children again expressed her disapprobation of their conduct, and the improbability of Azoph-ul-Dowlah's suffering the ladies and children of Sujah-ul-Dowlah to be disgraced by being exposed to the view of the sepoys. Upon which, Lataffit produced the letter from the Nabob, representing that he was amenable only to the order of his Excellency, and whatever he ordered it was his duty to obey; and that, had the ladies thought proper to have retired quietly into their apartments, he would not have used the means he had taken to compel them. The Begum again observed that what had passed was now over. She then gave the children 400 rupees and dismissed them, and sent word by Sumrud and the other eunuchs, that, if the ladies would peaceably retire to their apartments, Lataffit would supply them with three or four thousand rupees for their present expenses, and recommended to them not to incur any further disgrace, and that if they did not think proper to act agreeably to her directions they would do wrong. The ladies followed her advice, and about 10 at night went back into the zenana. The next morning the Begum waited upon the mother of Sujah-ul-Dowlah, and related to her all the circumstances of the disturbance. The mother of Sujah-ul-Dowlah returned for answer that, after there being no accounts kept of the crores of revenue, she was not suprised that the family of Sujah-ul-Dowlah in their endeavours to procure subsistence should be obliged to expose themselves to the meanest of people. After bewailing their misfortunes, and shedding many tears, the Begum took her leave, and returned home." *

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* Printed in the "Minutes of the Evidence," p. 900.

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Their exposure to public view.

My Lords, it is impossible for imagination to add anything to this description. You see the situation into which these poor unfortunate women are thrown; you see, in addition to all the miseries of famine, that they had that greatest distress that can happen to Indian women, the being exposed to the public view of men. It is not there as here, that every public place is adorned with that sex. The first court of justice in the country could not possibly be filled with the persons of that description, as it is here. No; they are confined to the zanana; they are incapable of enlivening the face of joy, although they may contrive at particular times and on particular occasions to smooth the brow of sorrow. But the real state of the case is, that women in that part of the globe are immediately disgraced upon exposure. And, although the circumstances in which they stand and the sphere in which they move is more circumscribed and more limited than that of European ladies, yet it is not less sacred, it is not less august. There are many instances in which women who have been exposed in India to the view of men other than that of their immediate family, have devoted themselves to destruction on the funeral pile, in order to expiate the disgrace they had suffered by that exposure. These are the women whom Suja-ud-Dowla left to the care of the India Company. I don't charge this as an act of Mr. Hastings' own hands—with being in consequence of his own orders; but as the effect of that "dreadful responsibility" and all the circumstances attending it. And I charge more—I charge him with having been informed of all these things, and never having made any inquiry into them, to check, to control, or to punish the offenders; and therefore having acquiesced in these miseries, which, by his scandalous, arbitrary and tyrannical, orders, he was the immediate cause of inflicting.

Aggravating circumstances.

My Lords, I have now travelled through all the parts of this charge, with the single exception of what is stated as aggravating matter in the Article. There are two circumstances stated as aggravating matter; one is the employ of improper persons; the other is the total falsehood and impropriety of the justification—that it is not only false in point of fact, but that, even if it were true, it is illegal in point of conclusion. With regard to the first, your Lordships have already heard all that is necessary upon the circumstance of Asoff-ud-Dowla. Sir Elijah Impey, the Chief Justice in India, has likewise been introduced to your

Employment of Asoff-ud-Dowla in the transaction.

Lordships' acquaintance in this business. Sir Elijah Impey, as Mr. Hastings states in his Narrative, advised him to have the affidavits taken, in his own justification, in his transactions in Oude and Benares, and Sir Elijah Impey states, or Mr. Hastings—I forget which, but I know it is in the evidence—that Sir Elijah Impey, like a correct and accurate lawyer in a business of this kind, settled what is in Westminster Hall called the caption part of the affidavits; namely, the introduction to the affidavit. When I shall have proved that all ideas of investigating truth were totally absent from the minds of all the parties concerned in this atrocious business, it is impossible for me not for a moment to desert the character in which I stand, and to resort to a character which I hold in another part of this hall; because I feel that profession degraded by what I am going to state—a profession which the more a man studies it liberally and applies to it scientifically, the more he investigates it upon principles of strict justice and jurisprudence, he will find that the laws not only inculcate the strictest justice, but the soundest principles of jurisprudence. I am anxious to rescue that profession from the infamy which has been cast upon it by one who has not only deserted his situation, but has become worse than a common commissioner taking affidavits in the lowest case that can be in Westminster Hall. From the matter in the affidavits, and the manner in which they were obtained, it is necessary I should describe these affidavits in justification.

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Sir Elijah Impey's advice to Mr. Hastings to have affidavits taken to justify his acts.

Reflections on the abuse of the laws of England.

They were all taken at Lucknow. Sir Elijah Impey arrived there on the 23d of November; he quitted it upon the 29th. Sir Elijah Impey was therefore just six days at Lucknow. During that period of time he took a number of affidavits that would astonish your Lordships; many of them from Indians; many likewise from Englishmen. These affidavits, without troubling your Lordships with the particulars of them, bear this upon the face of them—they are affidavits to accuse the Begums of rebellion. They are affidavits to make good their assisting Cheyt Sing. They are affidavits of insurrection at Goruckpore. They are affidavits to make good their discontent to the English government, and their determination to throw off the English yoke. And all these affidavits, going to the very issue of the cause between the parties, are taken surreptitiously in Mr. Middleton's house at Lucknow, without the parties having any notice of it—all done in six days. People brought from everywhere—no

Description of the affidavits taken by Sir Elijah Impey, and manner of taking them.

1 APR. 1788. cross-examination admitted—all *ex parte;* and, from beginning to end, almost without exception, every word deposed to is on hearsay: they are all a representation, with a very few exceptions, of something that somebody else had done. I venture to ascribe to these affidavits that character without the possibiilty of its being disproved.

Mirza Saadat Ali reflected on by the affidavits.

My Lords, there is something so extremely singular in the conduct of Mr. Hastings sbout this business that I cannot help thinking that, if he thought at all, he must be convinced in his own mind that these affidavits, at the time they were made, could not speak the truth In the first place, there is a person who is introduced to your Lordships' notice in the Benares charge, called Mirza Saadat Ali, who is the brother of Asoff-ud-Dowla, and who had his sole existence by a pension from our Company upon the province of Benares. Almost all of the country affidavits, and almost all the English affidavits, state the bad intent of Mirza Saadat Ali as strongly and much more so than they do with respect to the Begums. Your Lordships would suppose then that Mirza Saadat Ali had been a person Mr. Hastings would have doubted of, and would not have employed; and his rank and situation in the country were such that it would have induced him to have deprived the country of the influence of a man who was discontented with the English government. Your Lordships will be perfectly astonished when you find Mr. Hastings' declaration upon the subject:—

Sentiments in his favour held by Mr. Hastings.

"It is proper to mention," says Mr. Hastings in his Narrative, "that as soon as I had formed my resolution to leave Benares I sent my moonshy to the Nabob Saadat Aly Khan, to inform him, and to recommend the wounded sepoys to his care, believing that the Rajah, from considerations of policy would not choose to molest them, especially as he could have no motive or object to it but revenge, if he would show a determined resolution to protect them. The same request I made to him in writing after my arrival at Chunar. I owe him the justice to attest that he faithfully and liberally complied with my request. He visited them himself, and furnished them with provisions and with money, and appointed native surgeons to attend them; and, as they were able to bear it, he caused them all to be removed to his own quarters. Many reports and suspicions have prevailed of his being concerned in some of the designs which were formed against us. I can neither credit nor refute them: the evil imputed to him is at best doubtful, the good which he did is certain, and he is entitled to the full merit of it."*

These are the sentiments of Mr. Hastings upon the subject of Mirza Saadat Ali, who throughout these affidavits

* "Narrative of the Insurrection in Benares," p. 32.

is stated precisely in the same degree, and frequently in a greater degree, of doubt with regard to attachment to the English than the Begums themselves are. It seems extraordinary that the attention of Mirza Saadat Ali, and his giving a few rupees to a few wounded soldiers and attending them with a small force a few days, should have such merit with Mr. Hastings as to make the evil that was said of him doubtful, as he knew the good he had done. When the fifty-six lacs were paid into the treasury of Oude—great part of which was to go into the treasury of the Company — by the Princesses of Oude, in 1776, it was not reckoned any merit at all; but these doubtful affidavits —this *ex-parte* swearing—these hearsays—these despicable things, taken in the corner of Mr. Middleton's house, as bad as any depositions taken in any alehouse in any possible case—were enough to convince him that those women, sacred from their rank, more so from their sex, and still more so being Indian women, were deserving of this treatment. It seems to me most extraordinary that this should be the case. But the thing is accounted for. Mirza Saadat Ali was a stipendiary of Great Britain; he had nothing else. The conduct of Mr. Hastings throughout the country of India had bereft every individual, except these two unfortunate Princesses, of all they possessed; and they were permitted to be in possession of their property longer in order to be bereft of it with the greater violence.

Determination of Mr. Hastings to seize the treasures of the Princesses.

Mr. Hastings had bereft every individual in India. When he saw that the treasures of Bidjey Gur were given to the army, who would neither return the prize money nor grant it as a loan, he had nothing to do but to look round him to see where he should rob and plunder. He found that there was not a single person in India left who had anything to take, but those persons whom he was, by the dying voice of Suja-ud-Dowla, bound to befriend. Then, with the legal advice of Sir Elijah Impey, given illegally upon bad facts, given illegally upon inconclusive evidence, he determines that those people—in the language of his marginal note upon the Chunar treaty—were not intitled any longer to the protection of the India Company. That brings me to that part of the case. And that is a part of the case, I will venture to say, that if your Lordships even take these affidavits to be true, you cannot upon any ground whatever justify, sitting in your judicial capacity. The distribution of justice in England and in India differs. The

15 Apr. 1788. distribution of justice in a free country and in an arbitrary country is of a different kind, and founded upon different principles. But courts of justice exist in India. India is a country highly civilised. He calls upon Mr. Middleton through the medium of the Nawab to appoint proper officers to distribute justice (I desired your Lordships to keep that letter well in mind). Mr. Hastings has rendered himself responsible for the distribution of justice in India. He has acknowledged that persons, sacred for their character and dignified by their robes, distribute justice in India. What then is the situation of it. On the 10th of November, 1781, Bidgey Ghur was taken, and the rebellion was at an end on the 8th of October, 1781. The disturbances in Baraitch and Goruckpore subsided upon the 25th of September, 1781; which proves that these disturbances never existed to any extent at all. The Wazir departed to Fyzabad, the supposed seat of rebellion against his government. It might be said he went to join the rebels. He met with no disturbance, although he travelled so quick that none of his attendants but a small guard could keep up with him. But, what is more, Mr. Middleton went to Lucknow at a time when it is stated by Mr. Hastings the province was all in commotion against the English Government. Mr. Middleton was the hand by which Mr. Hastings perpetrated his wicked deeds. Mr. Middleton states that the disturbances had existed even at Lucknow. He himself returned in perfect peace and tranquillity—with the same peace and tranquillity to Lucknow that the Wazir returned into Fyzabad; although Mr. Middleton had not the protection of the sovereign of the country, and had all the odium that English exaction by the hand of Mr. Middleton himself, and the orders of Mr. Hastings, could possibly rouse an injured people to feel against him. If this is not the *evidentia rei* it never existed in any cause in the world. If those persons who are accustomed to scrutinise those minute circumstances upon which the rights of men depend, if they ever knew in their lives in any one period—if your Lordships' constitutional advisers ever heard of—a case in which the *evidentia rei* appeared strong and palpable, this is that case; and a thousand *ex-parte* hearsay oaths must be light as air before such evidence as that.

The pretended rebellion in Oude.

Various pretences put forward by Mr. Hastings for the seizure of the treasures.

Your Lordships observe the situation of things. There are several different pretences set up, all of which cannot be true—only one of which can be true. On the 11th of February, 1782, Mr. Hastings writes one representation to

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the Directors; in his Defence to the House of Commons he gives another representation; in a Defence which he delivered, signed Warren Hastings, in the lobby of the House of Commons, he gives a different account of it; and, last of all, he gives a different account of it in the record on your Lordships' table. Here are four different accounts which he gives of his reasons for having taken these treasures. I shall consider only two of them. One is, the resistance to the resumption of the jagirs; the other is, the rebellion at Cheyt Sing's time and in Baraitch and Goruckpore. Your Lordships will observe in the evidence that it is stated in a letter of the 19th of December (which I have read) that Mr. Middleton communicates to Mr. Hastings the intention of the Begums to resist the resumption of the jagirs, and on the 26th of December is that famous letter of Mr. Hastings that I have read. After which, and not before, Mr. Middleton marches to Fyzabad; and then the whole business is transacted, and by the 12th of January, 1782, we are in complete possession of Fyzabad, of the kellah, and everything belonging to it. Then your Lordships will observe that Sir Elijah Impey was at Chunar between the 10th and 20th of November; that in that intermediate space of time, exactly between the quelling one rebellion and the intention to resist at another, in that intermediate space of time, your Lordships will observe, he took that legal advice to seize the treasures in consequence of the rebellion.

Resistance of the Princesses to the resumption of the jagirs, and encouragement of rebellion.

Why, the courts of justice in Oude were open. In the last impeachment preferred by the Commons at your Lordships' bar, when Lord Lovat was tried for high treason, it would not have been a more atrocious act to have forcibly taken from that person his property, his estate and his life, than this transaction is in Oude. If it were possible to suppose that, in the year 1745, the gallant Prince who commanded the army of this country against the rebels, after the rebellion was over and completely quelled, instead of bringing your Lordships' peer* to be tried at your Lordships' bar, had taken a strong band with him, and by force of arms bereft him of his property, plundered him of his treasures, and deprived him of his life, great and respec-

Regular proceedings to convict after the rebellion not instituted.

Comparison with proceedings on the impeachment of Lord Lovat.

* The reference is to the impeachment of Lord Lovat for high treason in December, 1746, after the suppression of the Jacobite rebellion in the north, by the Duke of Cumberland.

15 Apr. 1788. table as that character was, highly as it was allied, much as its memory is respected in this country for bravery and constitutional virtue, splendid and transcendent as was his connexion with that person who is in imagination supposed to be here present, and for his connexion with those who have been actually present here, to their own great honour and to the comfort and satisfaction of an admiring people—who admire them more, if possible, for the close attention which they have given to this cause of justice—notwithstanding all this, it would have been impossible to have kept that great person from the situation which the prisoner at the bar is in now.

My Lords, I beg pardon for such an allusion. But, if your Lordships will examine into the constitution of the country of India and the constitution of justice there, you will find, in a time of peace, their courts of justice are open to try persons for every offence, and that it is a scandalous dereliction from the principles you ought to observe in the government of that country if you do not follow that mode. Mr. Hastings heaped additional responsibility upon himself; for he restored the courts of justice, or pretended to restore them. Your Lordships have heard the manner in which that was done. The kellah at Fyzabad was stormed, the ministers of the Princess were put in irons, their whole property taken from them; and, as to the treatment of the family of Suja-ud-Dowla and Suffdar Jung, I have already stated it at large. This is the situation of that justification, take it either way. I say it is false in fact: I say, if it were true in fact, it is inconclusive in point of law; and he has only added one misdemeanor to another by attempting this mode of proceeding, when the situation of the country admitted of a different kind of conduct.

Aggravation from disobedience to the orders of the Directors.

There is one aggravation more besides; that is, a disobedience to the orders of the court of Directors. The court of Directors, upon hearing all this, with very great propriety sent a letter to Bengal, of which the following is a paragraph:—

Letter of the Court ordering the restoration of the jagirs.

"If it shall hereafter be found that the Begums did not take the hostile part against the Company which has been represented, as well in the Governor General's Narrative as in several documents therein referred to; and as it nowhere appears from the papers at present in our possession that they have excited any commotion previous to the imprisonment of Raja Cheyt Sing, but only armed themselves in consequence of that transaction; and as it is probable that such a conduct proceeded entirely from motives of self-defence, under an apprehension

that they themselves might likewise be had under unwarrantable contributions; we direct that you use your influence with the Vizier that that these jagirs may be restored to them."* 15 Apr. 1788.

Those jagirs which had been taken away by the second article of the treaty Mr. Hastings pretended that this was no order to inquire. Now I submit it to your Lordships, upon the simple state of the fact, that it was impossible for the Board at Calcutta to know what to do unless they inquired. Mr. Hastings thinks it is better not to inquire into this business; and accordingly he makes a minute of a very extraordinary nature indeed.

Minute of Mr. Hastings opposing inquiry into the treatment of the Princesses.

"If we cannot heal," says he, "let us not inflame, the wounds that have been inflicted. If the Begums think themselves aggrieved to such a degree as to justify them in an appeal to a foreign jurisdiction—to appeal to it against a man standing in the relation of son and grandson to them—to appeal to the justice of those who have been the abettors and instruments of their imputed wrongs,"—

your Lordships observe, he thought it nothing to impel a son or grandson to rob a mother or grandmother. He goes on,—

"let us at least permit them to be judges of their own feelings, and prefer their complaints before we offer to redress them; they will not need to be prompted. I hope I shall not depart from the simplicity of the official language in saying, that the majesty of justice ought to be approached with solicitation,—that it ought not to descend to provoke or invite it, much less to debase itself by the suggestion of wrongs and the promise of redress, with the denunciation of punishment before trial and even before accusation."

Reflections on the Minute.

My Lords, I have studied this sentence very much; and if it is possible to make anything of this strange, unintelligible species of high-flown language, it means that one person shall not call upon another person in a high situation to be judged before them or to have his cause investigated, for the purpose of relieving him from an accusation. It would be a strange thing indeed if persons, judges of property, were to call upon all mankind to come in and show cause why such a thing shall not be decided; but in a matter of the nature of this it seems the duty of government that it should investigate it according to the order, which is clear. But the majesty of justice was not present to his

* Letter from the Court of Directors to the Board at Calcutta, dated the 14th of February, 1783.—Printed in the "Minutes of the Evidence," p. 920.

15 APR. 1788. mind when he had it in view to disgrace the justice of Great Britain, when he ordered the Chief Justice of India, sent out by the King, Lords and Commons, to India, by unanimous choice, as he himself was. He did not think the justice of India would be disgraced by sending him to Lucknow to take these affidavits; and, when ordered to inquire into the truth of the case, to restore to them their property if the truth should not be found as they, the Directors, suspect it is not—when called upon to do that, they find the majesty of justice cannot descend—that those English robes be tarnished and sullied — that the pure ermine of justice is a thing which may be defiled with impunity, when it is the case of a son taking from his mother and grandmother the property bequeathed to them, and which he guaranteed to them himself; but when it is the cause of English justice distributed in India, and the cause of a Governor and Council calling those who are accused to stand forth to acquit themselves; he has forgot all those fine things he said, he has forgot that virtuous sentiment I formerly mentioned, that the duty of children to parents belongs to all nations and is equally embraced by all laws; he has forgot that at this period of time, and thinks of nothing but screening himself from that inquiry which, thank God! he has at length met with, and which will issue in that judgment which I am sure your Lordships will in your justice denounce against him, in those sentiments which your Lordships' pure minds must be impressed with, and can be impressed with no other, when you hear such a case as I have stated proved against him.

My Lords, I have now gone through all, to the last article, and I am afraid I have extremely distressed your Lordships by the length of time I have occupied; but, consistent with perspicuity, I did not feel it possible to do otherwise. From all I have stated I might call upon your Lordships, after you have heard the evidence, in great confidence, to draw a conclusion of criminality from the facts I have stated, from your own reasoning and understanding. A conclusion of criminality, or a criminal motive, is a deduction almost always arising from circumstances of malice. Even the corruption which excites a person to a particular act is a conclusion of argument and reason which the judges who investigate the whole matter are the proper persons to draw. But it does not rest here on the present occasion

Mr. Hastings' criminality proved by the facts.

There is a treaty of Chunar and many other parts of Mr. Hastings' conduct which, in the manner I have stated, may be found a little unaccountable. What I am now going to state will fill up every chasm, will close every chink, and will make this the most complete crime and misdemeanor that was ever brought to the bar of any court of judicature, in any country, at any time. 15 APR. 1788.

I charge him with having received for his own use, between the 11th and 19th of November, a sum of money amounting to an hundred thousand pounds from the exhausted Wazir of Oude,—from the person who represents himself [as being in a state of distress whereby] the knife had penetrated to the bone,—whom Mr. Hastings represents as having an exhausted treasury, who Mr. Hastings knew could produce him nothing. And, when your Lordships shall have that in proof before you—and it will be proved from Mr. Hastings' own letters—that he took the money—that he meant for a time to apply it to his own use, but when he found it would be discovered he applied it to the use of the Company—when I prove these things to your Lordships I shall leave your Lordships without a ray of doubt that there is a great deal of malice, perfidy, breach of faith, hardly any crime of which a governor in a great situation can be accused, which does not involve itself in this charge. In addition to that, there is foul corruption, which blackens and disgraces everything. A man may be supposed to be perfidious for the purpose of ambition—to be warlike and cruel for the purpose of extending his fame—to break treaties for the purpose of increasing his power—all these things may be, and the human mind is so constituted that the splendour of the act sometimes destroys the appearance of the viciousness of it. But upon the present occasion you have that which blackens everything added to it. Where you find money received you can never look upon that man as a character of any consequence in point of animation, in point of greatness of mind, in point of any of those principles which, while they ought to excite the disgust, sometimes excite the admiration, of mankind. I will prove that to your Lordships, and then I shall ask your Lordships solemnly and gravely whether, if this matter with regard to the seizing the treasures of the Princesses of Oude were a question between two individuals in the common affairs of society, instead of being between a person in a great situation

Criminality of motive proved by his accepting money from the Wazir.

15 Apr. 1788. and women of high rank, whose rights were supported by guarantees—do I say too much to your Lordships, if that were the state of the case, if I say this—that, between such private parties as I have described, it would have been nothing but a foul robbery, perpetrated with cruelty, supported by forgery, justified by prevarication, and excited to by a bribe?

Circumstances constituting the offence a high crime and misdemeanor.

My Lords, it is the situation of the parties which takes it out of this case. It is not a crime against the peace of our Lord the King, his crown and dignity; it is committed upon foreigners, and it is committed in the exercise of a trust. These two circumstances take it out of that situation, and bring it to the state of a high crime and misdemeanor, to be tried at your Lordships' bar, at the prosecution of all the Commons of Great Britain, instead of being that which would have been tried at the bar of an inferior court, and punished in a more severe manner in every respect but this; namely, the disgrace which attends conviction by so high a tribunal, which must be more severe upon a man of feeling (if the man who has done such acts can have any feeling at all) than any punishment that can be inflicted upon any criminal for a crime tried in a subordinate jurisdiction, that they were competent to inflict.

Allegation of Mr. Hastings that his appointment by Parliament is a justification of his acts.

My Lords, I shall leave this matter with only one single observation more. And that observation relates not to the particular parts of the answer, because a Right Honourable friend of mine, who is to follow me on this Article, will go through that part of the case which relates to the answer Mr. Hastings has given to this charge. Mr. Hastings has stated in the answer to the Articles exhibited by the Commons, that his appointment by the King, Lords and Commons, at different times is a justification. I deny the truth of the argument. But, admitting for a moment that it were conclusive, apply it to this case—Mr. Hastings' last appointment was in 1781, and all the acts with which I have charged him are subsequent to that appointment. Therefore, with regard to this Article, that appointment certainly can be no justification.

His attempt to justify his acts by peculiarity of customs and manners in the country.

The next circumstance which Mr. Hastings observes is, he begs leave to represent:—

"That the general nature and quality of many measures, now the subject of charge against him, considerably depend upon the manners,

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customs, principles and laws, peculiar to the countries in which such measures were adopted, and cannot therefore, as he conceives, properly be judged of by the same rules and principles as would determine the quality of like actions in the country where he is now called upon to answer for the same."

I submit it to your Lordships whether there is anything peculiar in these facts I have stated? Whether they are not founded on the immutable nature of right and wrong? Whether what we charge him with is not founded on a deviation from that system of morals which must pervade the universe, which must embrace every creature, which, like the principle of gravitation, pervades the universe throughout, which cannot vary in Hindustan and in England, the same in the Cape of Good Hope and Sweden—the same throughout the world? For a breach of a treaty improperly executed and unjustifiably supported—these are the things with which I charge Warren Hastings. There is one other observation, and then I shall conclude the very long address I have unfortunately been under the necessity of making to your Lordships. Mr. Hastings, from what accident I don't know, has adopted the very idea, nay, almost the very words, of Lord Strafford in his [answer to] the impeachment of the House of Commons. "He begs of your Lordships to consider that he was separated at a very early age from his native country, from every advantage of that instruction which might have better qualified him for the high offices and difficult situations which it has been his lot to fill, and left him to form the rule of his conduct in a great degree on his own practice and by the light of his own understanding." My Lords, as Mr. Hastings has thought fit to adopt the answer of my Lord Strafford to the impeachment of the Commons, I will take the liberty of adopting the reply to that answer made by a person of the highest abilities this country ever knew,—a person to whom this country looks up with gratitude for the pure constitutional principles which he constantly espoused,—for his being one of the founders of that Declaration of Rights which established our constitution, in despite of the infringements of the family of the Stuarts. I will reply to Mr. Hastings in the emphatical words of Mr. Pym,—better words than it is possible for me to suggest, better words than perhaps ever have been used from that period to the present time, from the pure simplicity and forcible manner with which they are expressed. Mr. Pym says,—"Lord Strafford considers that we should

His plea of want of instruction in the science of government borrowed from Lord Strafford.

15 Apr. 1788. not charge him with errors of his understanding, or with the weakness to which human nature is subject. Truly," says Mr. Pym, "it would be far from us to charge him with such mistakes. No, my Lords, we charge him with nothing but what the law in every man's breast condemns—the light of nature—the light of common reason—the light of common society."

Conclusion. My Lords, in the name of all the Commons of Great Britain, deputed by them to maintain this charge at your Lordships' bar, I accuse Warren Hastings of nothing but what the law in every man's breast condemns,—what the light of nature condemns—the light of common reason and the light of common society,—those principles that pervade the globe—those principles that must influence the actions of all created beings—those principles that never can vary in any clime or in any latitude. It is upon that ground I charge him; and upon that ground I do adjure your Lordships, in every capacity in which you can possibly feel yourselves to stand. I adjure your Lordships as judges to lay this matter home to your minds, to investigate it with your own understandings, and to pronounce upon it with your convictions. I address your Lordships as Peers of Parliament, as branches of the Legislature, sitting as it were in the legislature mixed with the judicial capacity, to sustain the dignity of that Peerage, which has elevated this country, together with the other free parts of the constitution, to a situation among the nations of the earth far beyond what its natural power intitles it to. I call upon your Lordships as Englishmen to vindicate and maintain the character of your country—to vindicate it by inflicting an exemplary punishment upon this man, when your Lordships shall be convinced in your own good understandings that he is guilty of the crimes with which we charge him. I call upon your Lordships in the character of parents and of children. I call upon you as parents to avenge those crimes which he has made a son commit against his mother, for the purpose of exemplifying filial duty and subordination. I call upon your Lordships as sons to vindicate these sentiments which he has debased and disgraced in the character of a British subject, in making a son disgrace his mother and grandmother. I call upon you as Christians to vindicate the rights of Christianity—to redress the injuries our religion has suffered by those vile acts committed upon persons

who, though not professing the same religion, are intitled to your Lordships' protection and regard. I call upon you as men to vindicate the rights of humanity. And with that sentiment I do, with fresh zeal and ardour, impeach Warren Hastings of high crimes and misdemeanors. 15 APR. 1788.

SPEECH OF THE RIGHT HON. THOMAS PELHAM, MANAGER FOR THE HOUSE OF COMMONS, IN SUPPORT OF THE SECOND ARTICLE OF THE CHARGE, RELATING TO THE BEGUMS OF OUDE; 16 APRIL, 1788.

MY LORDS,—I am commanded by the Commons to assist in support of the second Article of charge against Warren Hastings, and to show to your Lordships the insufficiency of the answer which he has offered to it.

I shall, my Lords, confine myself chiefly to the latter part of my duty, feeling it equally impossible to add anything to the very able, perspicuous and eloquent, opening that has been made by the honourable Manager preceding me, and feeling that, by any attempt on my part to trespass further upon your Lordships' patience, I should only risk the possibility of taking off from the effect which I am sure his speech must have produced upon your minds.

My Lords, I lament, in common with the other Managers, your Lordships' too strict adherence to the practice and form of the inferior courts, by compelling the Commons to proceed through the whole of their charges before the defendant is permitted to make his answer. I lament it more peculiarly as it has imposed upon me the arduous and difficult task of applying a remedy to that defect—of commenting upon his answer at this early period—of endeavouring to supply the defect by bringing forward as early as possible all the facts relating to this charge; satisfied and convinced that nothing more is necessary to obtain your Lordships' judgment upon this occasion than to produce the facts upon which the Commons have founded their charge, and have ordered me to appear before your Lordships.

Present charge the basis of the impeachment.

This charge, my Lords, may be said fairly to have been the basis of the impeachment of Warren Hastings. It has been owing greatly, undoubtedly, to the transcendent abilities of the honourable gentleman who brought forward this

charge in the House of Commons:* but, my Lords, I will not pay him such gross flattery as to attribute it merely to his abilities. I will not offer such an insult to the judgment and the wisdom of the Commons as to suppose that they could have been betrayed into an acquiescence in this charge, if the facts had not carried conviction to their minds. 6 Apr. 1788

My Lords, the Commons were peculiarly anxious to have heard the defence of the prisoner at your bar; for they have felt and they know the effects of national prejudice against Indian inquiries. They have felt the effects of his friends and of his connexions. They know too, my Lords, that he, in common with all persons accused, not only has the presumption in his favour until he is heard that he may be acquitted, but they know also that his accusers stand here open to a suspicion and a jealousy which seldom has happened when the Commons have appeared at your Lordships' bar.

Influence of Mr. Hastings' friends and connexions in his favour.

My Lords, I do not object it to Mr. Hastings that he has friends. God forbid that I should accuse a man of having honourable connexions. Nothing adds more to the honour of a private character than many friends. Nothing gives greater lustre to a public character than honourable connexions. But, my Lords, the friends of Mr. Hastings, the connexions that he has formed in India, the connexions that his Indian power has given him here, stand perhaps in a different situation. It is an invidious task, perhaps, to canvas the causes of friendship; it is invidious, perhaps, to attribute the effects of gratitude to mere sinister motives. Yet, if ever there was an occasion where one might suspect that conspiracy appeared under the cloak of friendship—if ever there was an occasion where one might suppose that they appeared rather as accomplices than friends—it is in the present instance. My Lords, it is a melancholy truth that, ever since our connexion with India has given the governors in that country an opportunity to afford an asylum to the distressed of this country, the friends and connexions of those who, from their imprudence, can no longer remain in this country, or who, from their ignorance or from their characters, are precluded from any prospects of rise in this country, have looked to India as a means of acquiring for them that consequence and that respect at home, from their wealth and opulence, which their characters and their honour, in the common road to preferment in England, could never have obtained them.

Their motives of self-interest in defending him.

* Reference is here made to the famous speech of Mr. Sheridan, delivered on the 7th of February, 1787.

16 Apr. 1788. Under these circumstances, I must, in support of the cause I appear in before your Lordships, express my doubts, and suggest to your Lordships reasons why you should entertain the same doubts, of the honour of the connexions of Mr. Hastings, and the fair and well-grounded suspicion of conspiracy appearing under the character of friendship.

My Lords, it has so happened that Mr. Hastings' friends have endeavoured always to represent his character the very reverse of that which it will be the business of the Commons to prove it to be. Well knowing his power—well knowing the means that he had of acquiring wealth—seeing daily the numbers that return from that country, after a short residence, with wealth and with treasures which the most laborious services in this country can never attain—it was natural to suspect that the Governor of the East Indies, as he had greater power and as he had larger means, should be possessed of greater wealth. Their defence of him in this case has not been less absurd than in other parts. In endeavouring to prove him innocent of peculation, they have attempted to palm upon the public that he is a poor, miserable, distressed, man. In endeavouring to prove his innocence they have involved him perhaps in other guilt. Mr. Hastings' friends have endeavoured to prove that his riches do not exceed a sum which in two years he might have acquired as Governor General. By descending so low into particulars they have raised a suspicion of the truth of their own account and of his integrity, which not only bears the character and the face of suspicion, but, in the course of this inquiry [will be so impugned that it] will be proved [by] incontrovertible facts to your Lordships that he not only was the greatest oppressor, that he was not only the greatest tyrant, that ever appeared upon the Eastern coast, but that he was also the greatest peculator; that he was the most corrupt as well as the most cruel; that he never stirred from Calcutta—that he never undertook any great political plan—but with the view either of covering his own iniquities by filling the treasures of the Company, or of filling his own pocket.

The charge that is immediately under your Lordships' consideration is one which certainly in itself is so simple a transaction—so divested, if fairly considered, of any of those principles upon which state necessity can ever warrant any infraction of the laws—that I should think it would require only to state the facts and to tell the story in the simplest

manner to prove to your Lordships' satisfaction the guilt of Warren Hastings. 16 Apr. 1788.

The honourable Manager who opened this charge has gone so fully and amply into the whole of this question that I shall have occasion only just to remind your Lordships of the striking and peculiar circumstances relating to it, and to point out in what manner and under what shape this matter has appeared at different times to the persons immediately interested,—I mean the manner in which it first appeared to the court of Directors, the immediate employers of Mr. Hastings; how it afterwards came to the knowledge of the Commons, who in their wisdom have thought fit to come to your Lordships' bar and to ground this charge against Mr. Hastings upon it; and the defences and answers Mr. Hastings, at different times and under different circumstances, has thought proper to give this charge.

Communication by Mr. Hastings of the treaty of Chunar to the Council.

By the public despatches it appears that, on the 29th of November, 1781, Mr. Hastings communicated to Mr. Wheler, the Governor General,* and the Council at Calcutta, the treaty of Chunar, purporting to be dated the 19th of September, with his reasons for signing the same, with supposed objections, and the answers to those supposed objections.

Article allowing the Nawab to resume the Jagirs.

By the second article it appears that permission was given to the Nawab to resume the jagirs of his dominions, stipulating, for those particular jagirs which were guaranteed or protected by the India Company, that an equivalent equal to the greatest annual amount of the revenues arising from them should be secured to the original proprietors.

Troops ordered to assist the Nawab.

On the 25th of December, he acquaints the Board that he had ordered troops to assist the Wazir in completing this measure of resuming the jagirs; in which communication he encloses a letter from Mr. Middleton, informing him that an opposition to this measure was expected from the Begums or Princesses of Oude.†

Letter of Mr. Hastings explaining the interference of the troops, and reporting the seizure of the treasures of the Begums.

In a letter of the 23d of January he seems to resume the subject, and, as it were, to give the Board an account of the whole transaction from its origin. He refers to the treaty of Chunar, and tells them that, contrary to his expectation, and for reasons he was not at that time able to explain, the

* Mr. Wheler was invested with the powers of Governor General by Mr. Hastings, on his departure from the seat of government for the province of Benares.

† Printed in the "Minutes of the Evidence," p. 598.

16 Apr. 1788. Nawab at first seemed to show some reluctance and indisposition to carry the treaty into execution; that, when he did determine to carry it into execution, an opposition had been threatened to it by the Princesses of Oude and his own family; that, upon this opposition, Mr. Middleton had applied to him for the assistance of troops, which he ordered; that those troops supporting the Nawab had carried the measure into execution; and that the treasures seized in consequence of the Nawab's going to Fyzabad had been applied to the uses of the Company.*

I shall only observe upon this letter, as it now arises, that Mr. Hastings for the first time communicates to the Board the proposition of seizing the treasure, and he introduces it with this very remarkable expression:—

> "It may be necessary, perhaps, to inform you, in this place, that the measure of seizing the treasures had been already determined upon and strongly recommended and supported by me."

He encloses in this letter the letter from Mr. Middleton, of January the 13th, giving an account of the seizing of the treasures, and likewise a letter from the Wazir, acquainting Mr. Hastings with his success at Fyzabad, in which letter the Wazir makes use of this extraordinary expression:—

> "I have, to confirm and increase our friendship, done that which was never thought of or determined."

Letter to the Directors on the resumption of the jagirs.

On the 11th of February, the communication is made to the Directors at home of the resumption of the jagirs; "a measure of the Wazir's, founded on the suspicions of the Begums, has been carried into execution;" and then he gives a detailed account of what your Lordships will see in the evidence is given in his own letter of the 23d of January.

Second letter to the Directors.

On the 8th of April another letter is written to the Board. It seems rather to be a duplicate, or at least to bear a reference to, the letter of the 11th of February, acquainting the Board with these transactions, but it speaks of these as mere arrangements. Resuming the jagirs and taking his father's treasures from his mother are called mere arrangements for the better government of the Wazir's dominions, and for the more speedy liquidation of the Company's debt.

The origin of the whole transaction referred to the Nawab.

My Lords, from this communication to the court of Directors it appears that the whole of this transaction originated with the Wazir; that it was a measure of state

* Printed in the "Appendix to the Second Article of the Charge," p. 337.

policy; that it was a measure occasioned by the disaffection of the jagirdars in general, with the suspicions that he entertained of his own family in particular; and the necessity of his making some arrangements for the more speedy liquidation of the pressing debt of the Company was the cause of all the fatal consequences which were delineated to your Lordships by the honourable Manager who spoke yesterday. The opinion of the court of Directors upon this subject, after the receipt of these letters which have been alluded to by me and by the honourable Manager who spoke yesterday, is this:— 16 APR. 1788.

Opinion of the Directors.

"By the second article of the treaty," meaning the treaty of Chunar, "the Nabob is permitted to resume such jaghires as he shall think proper, with a reserve that all such jaghirdars for the amount of whose jaghires the Company are guaranteed shall, in case of a resumption of their lands, be paid the amount of the net collections through the Resident. We do not see how the Governor General could consent to the resumption of such lands as the Company had engaged should remain in the hands of those who possessed them previous to the execution of the late treaty, without stronger proofs of the Begum's defection than have been laid before us; neither can we allow it to be good policy to reduce the several jaghirdars, and thus unite the territory and the troops maintained for the protection of that territory under one head, who may by that means, at some future period, become a very powerful enemy to the Company.

"With respect to the resumption of the jaghires possessed by the Begums in particular, and the subsequent seizure of the treasure deposited with the Vizier's mother, which the Governor General in his letter to the Board, 23d of January, 1782, has declared he strenuously encouraged and supported, we hope and trust, for the honour of the British nation, that the measure appeared to be fully justified in the eyes of all Hindoostan.

"The Governor General has informed us that it can be well attested that the Begums principally excited and supported the late commotions, and that they carried their inveteracy to the English nation so far as to aim at our utter extirpation.

"It must have been publicly known that, in 1775, the Resident at the Vizier's Court not only obtained from the Begum, widow of the late Sujah-ul-Dowlah, on the Nabob's account, thirty lacs of rupees, half of which was to be paid to the Company, but also the forbearance of twenty-six lacs, for the repayment of which she had security in land, on the Nabob's agreeing to renounce all further claims upon her; and that to this agreement the Company were guarantees.

"We find that on the 21st of December, 1775, the Begum complained of a breach of engagements on the part of the Nabob, soliciting your protection for herself, her mother, and for all the women belonging to the seraglio of the late Nabob, from the distresses to which they were reduced; in consequence whereof it was agreed in consultation, 2d of January, 1776, to remonstrate with the Vizier, the Governor General remarking, that, as the representative of our government has become an agent in this business, and has pledged the honour and faith of the Company for the

16 Apr. 1788. punctual observance of the conditions under which the treaty was concluded, you had a right to interfere, and justice demanded it, if it should appear that those engagements have been violated. And the Board at the same time resolved that, as soon as the Begum's engagements with the Nabob, to which Mr. Bristow is a party, shall be fulfilled on her part, this government will think themselves bound to protect her against any further demand or molestation.

"If therefore the disaffection of the Begums was not a matter of public notoriety, we cannot but be alarmed for the effects which these subsequent transactions must have had in the minds of the natives of India. The only consolation we feel upon this occasion is, that the amount of those jaghires for which the Company were guarantees is to be paid through our Resident at the court of the Vizier; and it very materially concerns the credit of your government on no account to suffer such payments to be evaded.

"If it shall hereafter be found that the Begums did not take that hostile part against the Company which has been represented, as well in the Governor General's Narrative as in several documents therein referred to, and as it nowhere appears from the papers at present in our possession that they excited any commotion previous to the imprisonment of Rajah Cheyt Sing, but only armed themselves in consequence of that transaction; and as it is probable that such conduct proceeded entirely from motives of self-defence, under an apprehension that they themselves likewise might be laid under unwarrantable contributions, we direct that you use your influence with the Vizier that their jaghires may be restored to them. But if they should be under apprehensions respecting the future conduct of the Vizier, and wish our further protection, it is our pleasure that you afford these ladies an asylum within the Company's territories." *

My Lords, it appears then from this letter that the court of Directors were apprised of all the circumstances related to your Lordships yesterday; that the Company were aware of the guarantee. They were aware of British faith being pledged to these Princesses. They were aware of all the transactions that had passed in the years 1775 and 1776. Mr. Hastings, their covenanted servant, was bound to communicate to them everything relating to their affairs. He was bound to communicate to them every transaction he undertook, either in his public capacity, sitting at the Board, or in his correspondence as Governor General. With all this information, with all these papers before them, your Lordships see what was the opinion of the court of Directors. The court in their opinion confirm and ratify the guarantees; they confirm the pledge of the British faith to the Princesses of Oude; and they do—as I trust your Lordships will do — strongly express their disapprobation of

* Letter from the Court of Directors to the Council at Calcutta, dated 14th February, 1783.—Printed in the "Minutes of the Evidence," p. 920.

this breach of faith. They express—as the Commons have done—their dissatisfaction at the account given by the Governor General of the disaffection, the rebellion and the hostile disposition, of these Princesses. 16 Apr. 1788.

An inquiry proposed by Mr. Stables.

In consequence of this letter, it might have been expected that an inquiry into their conduct would have been instituted. I shall only in this place observe that the inquiry was proposed by one of the Council at Calcutta, whose name can never be mentioned but with respect. I will only mention his name to remind your Lordships of all those feelings of respect, honour and gratitude, which are due to him for having, on all occasions in which he has acted, supported the British character, first as an officer and afterwards in the Council—I mean a gentleman who has appeared at your Lordships' bar, and I trust will frequently appear in the course of this business, for I am sure his evidence will on all occasions make the strongest impression upon your Lordships' mind,—I mean Mr. Stables.

Disinclination of the Directors to remove Mr. Hastings.

My Lords, we know from fatal experience that the court of Directors—the representatives of the East India Company—express in the strongest terms their disapprobation of most, I believe I might say all, the enormities committed by their servants in India; but they have rested satisfied with expressions of disapprobation. Mr. Hastings himself complains that, during almost the whole course of his administration, every letter that he received from home teemed with invective and abuse. Yet they never ventured—I believe they never wished—to remove him. They exculpate themselves by criminating his conduct. But the Governor General who is guilty of all those crimes—who oppressed, who tyrannised in the country—never forgot to remit sufficient means to England to protect himself and to gratify his employers.

Charges brought by Mr. Hastings against his agents, Middleton and Johnson.

But, my Lords, the restless character of Mr. Hastings has been one main instrument in our hand. Mr. Middleton and Mr. Johnson, his confidential agents at the court of Oude, had no sooner executed his dreadful orders respecting the Princesses, than a quarrel ensued, and Mr. Hastings brings forward against Mr. Middleton and Mr. Johnson charges in his opinion of the highest nature—charges of disobedience to the Governor General, of want of attention not to the spirit only but to the letter of his commands. To this quarrel we are indebted for the evidence that we bring before your Lordships. To this dispute between the principal

16 Apr. 1788. and the agent—to this dispute between the accomplices—we are indebted for evidence that will prove to your Lordships the real state of this question, and will support the opinion that has been given, and which I have read to your Lordships, by the court of Directors of the iniquity of this transaction.

Reasons for admitting the evidence of Middleton against Mr. Hastings.

My Lords, I have no doubt that at first sight your Lordships will receive evidence of this description with extreme jealousy and suspicion. You will imagine that the evidence of Mr. Middleton under an accusation will be an evidence partial to himself—will be an evidence exaggerating Mr. Hastings' crimes. You will receive it with jealousy; you will think it admissible, but in many cases you will perhaps not think it credible. These arguments and these observations would well apply if Mr. Hastings' charge against them was for cruelty—if it was for oppression—if it was for exceeding his orders; no doubt; if Middleton and Johnson in their defence were to point out Mr. Hastings' orders—to say, "Your wish was that we should oppress them; your wish was that we should plunder them of their property. We did it. If we have exceeded the letter of your orders, we have not exceeded the spirit and the intention of them." But, my Lords, Mr. Hastings' accusation of Mr. Middleton and Mr. Johnson was not for excess of cruelty; it was not for exceeding the spirit of his orders in oppressing where he meant only to support authority. He impeached Mr. Middleton—he impeached Mr. Johnson—for not enforcing his orders. Delay and forbearance were their crimes. Negotiation was the foundation of their impeachment. That he suffered a son to hesitate at the moment that he was plundering his mother—to hold his hand even for two days—was a crime for which Mr. Hastings brought down Mr. Johnson to Calcutta under the escort of a guard, and ordered Mr. Middleton immediately to be removed from the seat of government.

My Lords, the article drawn up by the secretary of the Board of Calcutta, upon Mr. Hastings accusing Mr. Middleton, is this—

"For disobedience to the Governor General's peremptory orders on the 26th of November, 1781, containing the following words:—'You yourself ought to be personally present in both services. It must be your care to be personally present. You must not allow any negociation or forbearance. You must prosecute both services until the Begums are at the entire mercy of the Nabob.' Whereas, by a letter

from Major Naylor to the Governor General it is declared as follows:— 'After my arrival a couple of days passed in negociation, but without effect.' 16 Apr. 1788.

"Your letter of the 5th of February is not a sufficient exculpation of this charge, as the forbearance alluded to was before the attack of the kella, and not after the Begums were to be considered as entirely at the mercy of the Nabob, which is the time it alludes to. It might be good policy after they were so reduced to observe a temporizing conduct, because the treasure was then concealed, and none but the accessories to its concealment were acquainted with the places where it was deposited." *

My Lords, under these circumstances, I trust that your Lordships will not receive any evidence that will be offered upon this occasion with that suspicion which I suggested would naturally arise upon evidence offered by accomplices who had quarelled—that will be offered by a defendant against the accusation of his superior.

Evidence founded on Mr. Hastings' secret orders to Mr. Middleton.

The evidence produced in consequence of this quarrel is Mr. Hastings' secret and private orders to Mr. Middleton—his orders to Mr. Middleton to seize these treasures—his orders to him not to admit of forbearance or delay—not to suffer the Nawab to admit of any negotiation—not to suffer the Nawab to have any personal interview with his mother—his orders not to suffer the Nawab, even after the treasures were taken, to visit his mother or to come into any sort of negotiation or arrangement of her property before the Governor General is apprised of it.

My Lords, upon these letters so produced the Commons have founded their accusation. These letters will be produced to your Lordships, and I am confident that they will not come before you with any suspicion. If they come with any character at all, they will come doubly enforced; considering that it was the duty of Mr. Hastings to have published these letters, it was the duty of Mr. Hastings to have done no act of government without communicating it to his employers at home, and that these letters, which are the letters that will convict him, were the letters which he suppressed, and which never would have been produced but in the defence of the person he employed and whom he had accused.

This evidence having laid the foundation of the charges against Mr. Hastings, Mr. Hastings thinks proper to apply by petition to the House of Commons, desiring to be heard.

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* Printed in the "Appendix to the Second Charge," p. 73.

16 Apr. 1788.

Public feeling in favour of Mr. Hastings at the time of his offering his Defence in the House of Commons.

My Lords, I need not observe to you that the moment Mr. Hastings thought proper to appear at the bar of the House of Commons was a moment, of all times in the world, to him the most auspicious. It was the hour, I may say, of his insolence. It was at a time when the reports of the Committees of the House of Commons, conveying censure upon his conduct, were by the highest authorities in this country treated with every insult and indignity; at a time when the liberty of the press, so jealously guarded as a powerful instrument against the wicked designs of vicious and corrupt ministers, was perverted to the purposes of protecting criminality and traducing a character whose virtues, whose philanthropy, whose merits alone, would be sufficient to rescue the character which our conduct in India does but too justly impute to us—the want of humanity, honour and good faith. My Lords, the character of that person was made the sport of every libel. It was well known his virtues had made him enemies. It was well known that his attachment to mankind made bad men his enemies. Mr. Hastings came, my Lords, to the bar of the House of Commons, boasting that he had received the thanks of his employers; that he was intitled to the thanks of the whole country; that he had received the thanks of the whole court of Directors—not such a court of Directors as thanked Lord Clive—not such a court of Directors as formerly condemned his conduct and uniformly approved of the conduct of General Clavering, Colonel Monson and Mr. Francis—not a court of Directors representing merchants whose views might be confined and narrowed, who might not be such competent judges of the great transactions of state,—but a court of Directors acting under immediate influence; who, as it appears now, never expressed their own sentiments; who could never undertake any one act but under the immediate direction and the immediate auspices of the government of this country.

My Lords, with such thanks and with such a sanction, Mr. Hastings did in his answer say, that he doubted whether there was a power on earth that could presume to impeach him. However, the indefatigable industry and the abilities of the right honourable gentleman who opened this business were not to be deterred by such vain exultation; and those who, in their private capacity, who at the table of their Board could thank Mr. Hastings, did not dare to acquit him.

At your Lordships' bar, Mr. Hastings has thought proper

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Character of Mr. Hastings' Defence in the House of Lords.

to bring forward another Defence. At your Lordships' bar things bore a more serious aspect. There was no more room here for his expectation of any improper influence. He knew that, whatever your Lordships' partialities to him might be as men, sitting in the face of your country as the supreme Court of Justice of the land, you must determine according to facts. Here, my Lords, Mr. Hastings found it necessary to take, what he complained so often of the want of in India, professional aid. His answer is cautious; it is careful; it is more humble; it is more respectful; it admits little; it does not deny much; and it justifies [his acts] upon that plea upon which his friends out of doors have always justified him, but upon which I trust I shall show your Lordships that he has as little ground to stand as any other—his plea is state necessity; that these cruelties, that these oppressions, were nothing in India; it was the common practice of the country; that the distresses of the Nawab required it; if he had been left to himself he would have done it without our assistance; and that the pressing necessities of the Company were such that we were warranted and justified in taking advantage of the practices of that country, and in enforcing those measures and those means which in Europe or in this country we should have been ashamed to have acknowledged.

His plea of state necessity.

Your Lordships will admit this plea of state necessity with extreme jealousy. You will recollect that it is not only the plea of the tyrant, but it is the plea of a robber. It is a plea that may be used in the highest and in the lowest situation. It certainly is a plea that, under certain circumstances, in very peculiar situations, may be admitted. Your Lordships would forgive the general who was to seize on private property to save his army from famine. You would not impeach the admiral who might arrest the trade of his country lest it should fall into the hands of the enemy.* But you will never admit, even in those cases, the plea of necessity without examining with the severest scrutiny whether the occasion might not have been avoided—whether the advantage might not have been attained by means less offensive than those resorted to. You will examine also whether the object that was attained was large enough to justify the means—whether the danger was so imminent, or whether the advantage was so prominent, that the means

* Allusion is here made to a speech in justification of Hastings, delivered by Lord Hood in the House of Commons, on the 2nd of March, 1787. Parliamentary History, *sub anno.*

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It is often a fatal alternative which men in high situations and undertaking great responsibilities are brought into, to determine at the instant between immediate and partial injury or great and lasting ruin. But, my Lords, who is the person that in this case uses the plea of necessity? Warren Hastings—the Governor General of India—the very man by whose misgovernment the Company, if it were in distress at this time, was brought into it—the very man by whose influence and assumed control over the affairs of the Wazir he was brought to that state of necessity—to that distress—which makes him presume now to offer those distresses as a plea in justification of the cruelties that he afterwards exercised. My Lords, the dependence of the Wazir upon Mr. Hastings will appear so strongly in every letter that is written upon this subject, that I would rather refer to the evidence that will be adduced than point it out to your Lordships and detain you upon that subject at present. I will confine myself merely to Mr. Hastings' own assertions, in the Defence that he has given to the Commons.

In the first place he says,—

Assertions of Mr. Hastings in his Defence in the House of Commons.

"It is certainly not true that the Nabob of Oude was ever under the control of the Bengal Government in the extent stated in this charge. That the Resident who represented the Governor General and Council had an influence at his court cannot be disputed, but it is notorious that the acts of the Nabob's government were on various occasions remonstrated against and ineffectually opposed by the Resident, as may be seen by the public correspondence of Messrs. Middleton and Bristow. It cannot therefore be admitted that 'the English name and character were concerned in every act of his government or in any not authorized by them.'

"Allowing it to be true that the country of Oude was in a flourishing state before our interference, surely I cannot be chargeable with the evils resulting from the system we established, since I gave all the opposition I could to the first introduction of it. The system was undoubtedly very defective and generally prejudicial to the Nabob's affairs, inasmuch as it necessarily established a degree of interference in his government undefined by any precise rule which, however discreetly used, would not fail to weaken his authority and in many cases to be productive of all the evils consequent on a divided government. The Resident, for instance, though officially competent to no positive act of his own, found himself on some occasions driven to the necessity even of opposing the execution of the Nabob's orders to the officers of his own government, as the only means of defending the securities made over to him for the public claims of the Company. For, however willing his Excellency may have been to grant assignments for the liquidation of his debt, he was never scrupulous of infringing them when pressed by other importunate creditors, but has frequently granted tuncaws upon aumils whose revenue, to its utmost amount, he well knew had been previously assigned over to the Company. In such cases the Resident, though invested with no osten-

sible authority, would have failed in his duty had he not resisted, and exerted every means in his power to maintain his priority of claim, however conscious he might be that in so doing he weakened the authority of the Nabob in the eyes of his aumils and subjects in general. This conduct of the Nabob forced the Resident into a competition with his authority, and exhausted the revenues of the assigned lands, by giving new draughts with new powers on what was already pledged to its utmost extent; which may have been one source of the decline of the Nabob's country since our connexion with it." 16 APR. 1788.

In this part, Mr. Hastings admits of an influence which extended to an absolute opposition, and a justifiable opposition, to many of the measures of the Nawab. He palliates it by saying that there were indeed some instances when this influence—this control of the Resident—was effectually opposed by the Wazir; and he says also that the system that was established in that country was a defective one. I am at a loss indeed to understand what he means by the system; nor is it very material, for, although Mr. Hastings, as a member of the Council bound by the majority of the Council, obliged to give his reasons and to give his opinion upon every transaction, and transmit it home, does in part of his Defence say—"I am neither bound by the acts that I approved nor by the acts that I disapproved, during the time that I was an inefficient member of the Board"—that is during the time that General Clavering, Colonel Monson and Mr. Francis, formed the majority; implying a party distinction; implying a formed systematic opposition; implying that it was impossible for him ever to agree with those three gentlemen—ever to agree with those whom his employers at home uniformly supported, whom his employers at home uniformly commended, whom his employers at home uniformly declared to have followed their instructions and directions, whose principles of government they always supported, at the time they were universally condemning those of Mr. Hastings—in the year 1777, Mr. Hastings says,—"I re-appointed my own agent to the Nabob of Oude;" and in his former defence of the transactions that passed during the time of General Clavering's, Colonel Monson's and Mr. Francis', government, he says,—"But neither I nor the Resident of my own choice should be chargeable with any evils antecedent to that time." Undoubtedly he does not directly say that from the time that he appointed a Resident of his own choice he is responsible; but in his disclaiming resonsibility prior to that time, his acknowledging that at that time the Resident was the appointment of his

Responsibility of Mr. Hastings for the acts of his agents.

16 APR. 1788. own choice— that the Resident was his own agent—he does clearly and indisputably affirm that from that time he is peculiarly responsible. He is responsible even upon his own principles of government. He is responsible, not only as having the majority in Council, but as having also the Resident of his own choice.

Successive appointments of Middleton and Bristow.

The honourable Manager who opened this business to your Lordships yesterday, mentioned the various changes in the Residency at Oude, similar to the changes in the Residency at Benares; that Mr. Middleton had been originally appointed by Mr. Hastings; that by the orders of the Board he was removed and Mr. Bristow appointed; that Mr. Bristow was again recalled and Mr. Middleton re-appointed.

True cause of the first removal of Middleton from the office of Resident at Oude.

My Lords, he omitted, I think, one circumstance which should be mentioned to your Lordships, which is the real and avowed cause for the first removal of Mr. Middleton. Upon the arrival of General Clavering, Colonel Monson and Mr. Francis, in India, there was an immediate inquiry instituted into the Rohilla war. Mr. Hastings positively refused to produce the papers relating to that transaction, upon the ground and the plea that it was a correspondence of a private nature—that it was a correspondence carried on between him and his own agent, the Resident at the court of Oude. Upon this refusal, by a vote of the majority of the Board, Mr. Middleton was recalled; and it was not until Mr. Hastings recovered his power in the Council at Calcutta, by the death of General Clavering and Colonel Monson, that Mr. Middleton was re-appointed. He further says that—" The revenue never was equal to the enormous burthen of the two English brigades, with the progressive liquidation of the accumulated heavy balance; and the ineffectual endeavour to realize such claim from the common resources of the country was ever a source of the greatest embarassment and distress to the Nabob's affairs."

The support of two English brigades referred to by Mr. Hastings as an embarassment to the Nawab.

Now one should suppose, from his offering this in his Defence, that the measure of the two brigades was not a measure of Mr. Hastings, but that it was a measure originating in the period when he was an inefficient member of the Board, when Colonel Monson, General Clavering and Mr. Francis, were united in a league against him; when his hands were tied; when he was no longer responsible for any of the transactions in India. The history of the two brigades is this. By the treaty of Allahabad, a brigade under English officers,—in short, an English brigade—was to be paid by the

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Wazir, for the common defence of his territories and those of Great Britain, in consequence of the alliance between Suja-ud-Dowla and the English Company. The Wazir had an opportunity of observing the discipline of our troops. He was so much pleased with it that he desired of Colonel Monson to have a certain number of English officers for the command and discipline of his troops. Mr. Hastings, in the year 1777, subsequent to the death of Colonel Monson and of General Clavering, proposed that, instead of those officers continuing under the command of the Wazir, instead of the troops being the Wazir's, reducible at his pleasure, these troops should be considered as British troops, and that the Nawab should be obliged to take these troops as a second brigade. Your Lordships will see how totally different this plan of Mr. Hastings was from that of Colonel Monson's. Colonel Monson complied only with the request of the Wazir in lending him a certain number of officers, for the purposes of discipline. Mr. Hastings, under colour of giving him officers to discipline his troops, takes his troops into English pay, and bargains with the Wazir to subsidise those troops; and from hence originated indeed all the embarassments of the Wazir's country. This brigade was the constant source of vexation to him. The expense of this brigade reduced his finances; it exhausted his treasury; and it gave the English such an influence in his country that he never could stir, he never could move afterwards, and his very existence as a prince in that country depended upon us. The Nawab's sentiments with regard to this brigade were soon communicated to the Council at Calcutta. In 1779 the Wazir, complaining of the distress that he was in, remonstrated against Mr. Purling's earnest solicitations with him to provide for the payment of the Company. He states that his family were reduced to the greatest distress; that he had been obliged to lower all his household expenses; and he attributes (as he justly might do) all those distresses to the brigade, which he says he cannot maintain; that it is useless, and that it is the source of constant disgust and discontent in his country.

The brigade a grievance to the Nawab.

But, my Lords, I should further have told you that Mr. Hastings was not satisfied with saddling upon the Wazir this temporary brigade, but he established another corps—a corps under the command of Colonel Hannay, Major Osborne and others—who the Nawab says, not only were

A second brigade imposed upon the Nawab by Mr. Hastings.

16 APR. 1788. useless, but were the constant sources of vexation to him. These letters being communicated to the Board, Mr. Hastings in his minute proposed a letter to be written to Mr. Purling, remonstrating against this proposal of the Wazir's to withdraw that brigade, and says,—"It is our part, not his, to determine in what manner and at what time these troops should be reduced." Your Lordships see then that, so early as the year 1779, the temporary brigade—the corps under the command of Colonel Hannay and Major Osborne —were not only the source of discontent and disquiet to the Wazir of Oude, but that they so distressed him that he was not able to keep down the debt due to the Company —that his country would not furnish resources for the payment of this brigade. But Mr. Hastings, notwithstanding this, wishing to reduce the Nawab by accumulating him with debt, objects to the reduction of these troops, saying it was not for him but for them to determine the time of their reduction.

The Nawab's minister a dependant of Mr. Hastings.

But Mr. Hastings' influence, his power in the subah of Oude, was not merely by the temporary brigade—it was not merely by having a Resident who was his own immediate agent,—but the minister himself of the Nawab was a dependant of Mr. Hastings. His elevation to that situation he acknowledges to be owing to him. He never ventured to dispute his authority; and, in a case in which he had a dispute with Mr. Bristow, he acknowledges to Mr. Hastings—though Mr. Bristow's claims, though Mr. Bristow's demands, were unreasonable—that he was ready upon all occasions to obey his orders. A dispute arose concerning the appointment of a treasurer and comptroller for the Nawab's household. The minister, Hyder Beg, says :—

"I represented to the Nabob that, as Mr. Bristow proposed these appointments in consequence of orders from the Governor General and Council, it was necessary and proper that he should comply with the pleasure of the Governor. His Highness replied, 'In this case, I should be deprived absolutely of all power and respectability. I cannot believe the Governor has given such directions with respect to me.' I represented to the Vizier that, as Mr. Bristow declared them to be the Governor's orders, he should consent that information should afterwards be transmitted to the Governor General, with whose pleasure, if it should prove to have been so, he would of course cheerfully comply."

Your Lordships see, the minister in this case urges as an argument against his master—urges as a reason for his

compliance with a measure which the Wazir himself represents to be attended with a diminution of his power and respectability in India—that the demand is supported by the order and the desire of the Governor General in India. That this minister would upon all occasions obey the orders of Mr. Hastings in preference to those of his master—that he was ready at any time to obey him, if he should receive private instructions from Mr. Hastings—appears from the defence he made to the complaints of Mr. Bristow of the want of compliance on the part of Hyder Beg. 16 Apr. 1788

"Now," says he, "that from motives of kindness and favour you have directed me to follow this business, and added declarations respecting support and assistance, I am, as I have always declared myself to be, ready to obey. To whatever you shall please to command I shall never object, and I am every way ready to obey your orders in the execution of affairs independent of the inclinations of the Nabob Vizier, if you will assure me only of support and protection in case of his displeasure."

From these papers, then, my Lords, it appears that Mr. Hastings had the minister of the Nawab completely in his power; that the minister avows not only his readiness to obey Mr. Hastings' orders, to comply with every wish of his, to follow his inclinations by recommendations to the Nawab, but even where the Nawab's opinion may be adverse, even in opposition to the will of his Sovereign, provided he is sure of support and countenance from Mr. Hastings.

Responsibility of Mr. Hastings for the transactions in Oude.

If, then, my Lords, you should be satisfied that, the troops of the Wazir being all English, not only the two brigades but the corps of Colonel Hannay and Major Osborne for collecting the revenue were commanded by English officers, subject to English control and English command—that the minister, the adviser and counsellor of the Wazir, was at the command and disposal of Mr. Hastings—that the Resident at the Wazir's court, watching over the transactions of the Wazir, was not merely the representative of the English government, not in the character of an ambassador of this country, bearing indeed the *insignia* of his office but being, as Mr. Hastings acknowledges, his immediate agent and the appointment of his own choice—that Mr. Hastings disclaims responsibility for any act done by a Resident in a different character—shall Mr. Hastings then be permitted to urge as a plea of necessity, shall he urge as his excuse for any acts of cruelty, for any infringement of laws, for any perversion of justice, that the distresses of the Nawab were

16 APR. 1788. the real cause of it? If the distresses exist, is he not responsible for everything relating to that country?

Resumption of the jagirs.

Resolution of Mr. Hastings to visit Oude founded on complaints of distresses of the country.

But, in his Defence to your Lordships, he says, that the measure of resuming the jagirs was a just, necessary and expedient, measure, in the then situation of affairs. It appears that, early in 1781, in consequence of frequent representations of the Wazir of the distresses of his country, Mr. Hastings proposed to the Council at Calcutta to pay a personal visit to the province of Oude; that he proposed that extravagant and most preposterous of all measures, the dividing the Council at Calcutta, when reduced to two—to leave, as it were, a Governor General and Council for the home department at Calcutta, assuming to himself all the power of the Governor General and Council in the foreign department; ordering all the officers and all the servants, both military and civil, to obey his orders and instructions, as if they had been delivered at Fort William, with all the authority of a Council—not a Council consisting of one man, but a Council consisting of many; where the collective wisdom, arising from deliberation and debate, would give effect to their orders. But, in those proposals, it appears that Mr. Hastings' object was not the resumption of jagirs; it was not the punishment of delinquency; it was not the seizing the treasures; it was, by a personal view, by a personal acquaintance with the situation of the Nawab's country, by conversation with the inhabitants, by communication with the servants employed there, by a personal interview with the Nawab himself, by his advice and by his recommendation, to afford means, not only for the better government of his country, but for the liquidation of his debt.

No deficiency in the Company's treasury at the time.

The distress of the Company is not urged at that time. I think Mr. Hastings could hardly have urged it. He stated in the year 1778 that the surplus of the revenue was above two millions. The revenue itself is but three; the surplus was above two thirds of it. But I have still better authority than that; for Mr. Hastings says, that of all times the most favourable for such a journey was that when the business of the finance was so well arranged, when such an universal calm prevailed over the affairs of Fort William, that, without inconvenience, without risk of any event arising that could make his presence necessary, he proposed to visit Oude. But in his journey to Oude you have heard that dreadful and fatal catastrophe at Benares. The revolution

at Benares, the expulsion of Cheyt Sing, did indeed permit his going to Oude; but it will not justify his conduct concerning Oude: it will not warrant his misdemeanors there: it will not warrant the seizing the jagirs of the Begums: it will not warrant the plundering of the Princesses of Oude. 16 APR. 1788.

On the 23d of August, seven days after the expulsion of Cheyt Sing, Mr. Hastings writes to the Wazir, expressing his disappointment in not being able to pay him that visit in Oude which he had intended. On the 6th of September he writes again to the Wazir, by which it appears that, contrary to Mr. Hastings' wish—contrary to his expectations—the Wazir had actually set out with a disposition to pay him a visit. Mr. Hastings, in this letter, as he does in his Narrative, expresses the greatest apprehension of meeting the Wazir. So far from thinking it necessary to have a personal interview at that time with the Wazir for the purpose of arranging his affairs, there was nothing he so much dreaded. He thought at that time his [he was ?] exposing himself to a foreign enemy—his [he was ?] exposing himself, as he says there, to the Wazir: not indicating strong confidence in the Wazir himself; not indicating that confidence which he afterwards urges as a reason for not involving the Wazir in the same supposed guilt with the Princesses, his mother and grandmother. At that time he did everything in his power to prevent the Wazir's coming. He thought the necessities of the Nawab were such as would bear delay; he thought that the disturbances and disquietude of his government were such as would sink of themselves, or at least that it was not necessary for him to administer immediate relief.

Unwillingness of Mr. Hastings to visit the Nawab.

He writes to Mr. Wheler on the 27th and 29th of August, the 4th, 11th, 18th, 20th, 22d and 29th, of September, on the 7th and 13th of October, on the 1st, 21st and 25th, of November. By which it will appear that he was in constant correspondence with Mr. Wheler; that notwithstanding that Narrative which he offers—that affected journal of all the transactions that passed during his journey—still he was in constant correspondence with Mr. Wheler, affecting to communicate to Mr. Wheler everything that passed. Not a syllable of disaffection in the Begums; not a syllable of suspicion entertained of any design in them, either to disturb the government of the Nawab, or, as he falsely says, upon the 29th of November, to extirpate the English. He is silent as to any accusation; but he is not silent altogether. He does mention, on the 18th of September, that Oude had

No mention of disaffection of the Begums in his correspondence with Mr. Wheler.

16 Apr. 1788. caught the contagion. He does express by these words that the effect of the expulsion of Cheyt Sing had been felt in the neighbouring province of Oude: but in that letter he says:—"The Nawab, who is with me, will soon return to his country. Upon his return I am confident that all will be quiet." On the 25th of September he says:—"I shall immediately dismiss the Nawab: his return will produce universal quiet in his country."

Expression of confidence in the quiet of the country in his letters to Sir Elijah Impey.

But, my Lords, it may be said by Mr. Hastings—though I think he will hardly presume to offer such an excuse—it may be suggested, however, by some of his friends, that Mr. Hastings at that time was apprehensive of his situation, felt himself in danger, but was unwilling to alarm the Council at Calcutta: he was afraid to spread alarm in the provinces of India; he would not therefore communicate to Mr. Wheler the full extent of the disturbances that prevailed in Oude. But if that should be urged as an excuse—and a bold excuse it would be—the same cannot be said of his private and confidential letter to Sir Elijah Impey. To Sir Elijah Impey he writes with the greatest confidence. There are no apprehensions there of disturbing the peace of the country—no apprehensions there of drawing censure upon himself. To Sir Elijah Impey he opens himself fully. Sir Elijah Impey is his bosom friend. Sir Elijah Impey was coming to pay him a personal visit of attention and respect. To him all things, he says, bear a favourable aspect:

"The seizing of Bidjey Ghur and the peace with Mahdajee Scindia are the only objects which give me the least concern. The Nabob's return to his country—his return to Fyzabad"—

Fyzabad, the residence of the two Princesses supposed to be in rebellion—

"has removed all uneasiness from my mind. His country is quiet. I am only anxious for the plunder of Bidjey Ghur. I am only apprehensive of Cheyt Sing's joining Mahdajee Scindia. I am only apprehensive of his telling his story to that Prince, with whom I am making peace, in a manner that shall alarm the feelings of the Mahrattas; that should prevent the negociations of Colonel Muir; and by joining that formidable force to theirs, with that strong and additional incentive of the insult that has been offered to an independent Prince, the story of the expulsion of Cheyt Sing, if it should reach the Mahratta camp before we have concluded peace, a war more furious than ever will break out. The English name will be detested. The Mahrattas will then make a common cause with the Princes of India."

Then indeed he might be afraid of the disaffection of the Begums; then he might be afraid of a conspiracy with the

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Wazir. Then indeed, with Mahdajee Scindia at their head, with Cheyt Sing in their camp, putting Cheyt Sing as an encouragement to the troops of India, no armies, no superior discipline, no confidence in the British arms, would be able to resist such a force, so commanded and in such a cause.

Evidence of Middleton on the quiet state of the country.

But, my Lords, as to the fact, it appears further that Mr. Middleton,—in his defence to these charges brought against him by Mr. Hastings, one of which was that he did not communicate to him all the intelligence that he received,—says:—

"I communicated everything to you that passed after the 2d October, when the Nabob returned from his visit to you. There was no appearance of any disturbance—no disquiet in the country. There was nothing for me to communicate to you."

Conclusion that Mr. Hastings was in no apprehension of rebellion in Oude.

If I have been fortunate enough to impress upon your Lordships' minds anything at all like the conviction that there is upon my own, and which I am sure when you come to the evidence will be made out—and, if it is not made out, it can only arise from my defects and from my not explaining the matter so fully to your Lordships as I ought to do—[you will be satisfied] that, at the time Mr. Hastings entered into the treaty of Chunar, and subsequently, even down to the 25th of November, Mr. Hastings never did consider the Begums as in rebellion; that he was never under any apprehension from an insurrection on their part; never was under any apprehension of the junction of Cheyt Sing with them; that he never did at any time, until a fatal time which will be mentioned hereafter, entertain the least doubts of their constant and uniform affection to the British.

Report of the treaty of Chunar as connected with Oude.

But, my Lords, on the 19th of September, Mr. Hastings signs a treaty, commonly called the treaty of Chunar, with the Wazir; and, as upon this treaty he founds his subsequent claims upon the Wazir, and makes it the means of enforcing his cruel demands afterwards upon him, I will first state to your Lordships the treaty of Chunar, as far as it affects this point. This treaty was to resume the jagirs. By the very words of it it implies a measure of arrangement: it implies a measure that is prospective, as far as the Begums are concerned, by the letter of it: and all this under the protection of the English. It was not to have in view the immediate object of his journey, namely, the increase of the Nawab's revenue; for they were to receive the full amount of the produce of their jagirs. And, my Lords, it will appear that the jagirs possessed by the Begums and by the family of the

16 Apr. 1788. Nawab, most of whom claimed the protection of the English, were at least one third, if not two thirds, of the whole of the jagirs [which] were possessed.

But, my Lords, the object of his journey—of affording real relief to the Wazir—was provided for by this treaty. By the first article of that treaty, Mr. Hastings engages to the Nawab to reduce that fatal brigade—to dismiss those troops which the Nawab himself has uniformly said had been the cause of his ruin and distress. Two months and ten days, which expired on the 30th of November, was the time fixed for the reducing these troops. This afforded to the Nawab all the relief that he desired. This afforded him effectually that relief which was the purport of his journey, which was the object which he professed to have in view in his minute of the 1st of July, 1781.

Mr. Hastings' reserved meaning in making the treaty.

But, my Lords, as Mr. Hastings has quoted this treaty in his defence, and as he grounds his subsequent conduct in a great measure upon it, it will be necessary that your Lordships should hear the account that he gives of his manner of conducting this treaty. Unnecessary, I am sure, it would be in this place, [before a tribunal] composed of statesmen, composed of men who must have been in the situation not only of negotiating treaties but of ratifying them, of examining them, and of instructing those who have negotiated them, [to insist] that the real and genuine sense and understanding of both parties is to be the true interpretation of every treaty—that what was the understanding of the person to whom you made the promise is what you are compelled to do. You are not under a promise to act upon a reserved meaning—you are to understand what is the object and what, according to the understanding of the person to whom you make the promise, you are to convey to him. But Mr. Hastings, who in his address to the House of Commons says that he was obliged to form his rule of conduct upon his own practice, certainly thought very differently. He did not think it was necessary to consult the wishes of those with whom he treated. He thought himself justified in a reserved interpretation of a treaty—foreign, not only to the meaning of the person with whom he contracted, but, I think I can show your Lordships, foreign to the plain and fair interpretation of the words.

Treachery of his advice to the Nawab to make

"When the Nabob so anxiously desired my sanction for the resumption of the jaghires he certainly had in view only the Begum's, and a few others of magnitude which he considered protected either by the gua-

rantee or favour of the Company. He could not be supposed to ask my sanction to the resumption of grants in which the Company's faith was no ways concerned. But, being aware that his Excellency intended a partial resumption, reserving the jaghires of his particular favourites, who from their characters and conduct ought to be the first proscribed, I determined to defeat the design by advising him to make the resumption general, and he engaged to follow my advice."*

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The resumption of the jagirs general.

He states here that he knew the object of the Wazir to be to make a partial resumption; that he advised him to make the resumption general. "He could not," says he, "ask me for power to resume those with whom we were not concerned; the consequence of this his Excellency did not at the time advert to."

Here then a Governor General, treating with an independent Prince in India, dares, in the face of the Commons of England, in excuse of the grossest violation of public faith—dares, in excuse of the grossest violation of truth, avow, as a ground and pretence for executing the greatest cruelties, that he entered into a treaty with the Nawab, the Nawab having a different understanding and a different meaning to him; that he, by recommending a measure to the Nawab, by recommending words to him which seemed, so far from counteracting the wishes of the Nawab, to give him still greater latitude, was hereafter to make a pretence for overturning every principle of this treaty, and for making the Nawab not only resume all the jagirs, when he wished, but to resume the jagirs of his family, which Mr. Hastings falsely pretends he wished in this treaty to resume, but which afterwards he undoubtedly objected to and resisted: the treaty can at most be considered as a permission. Mr. Hastings, under these false colours, under the pretence of giving the Nawab greater latitude, under pretence of giving him more power, perverts the meaning of the words, and says, "Because I have given you power over those with whom I had no sort of concern, you, I suppose, by taking that power from me, admit that I had some sort of authority over them."

I trust that your Lordships will not suffer the British character to be so degraded in India; that you, who with us have always been so jealous of a strict adherence to treaties—of preserving the national character for public faith—

* See the Minutes of Mr. Hastings' Defence at the Bar of the House of Commons. Answer to the Fourth Charge.

16 Apr. 1788. will not suffer a criminal at your bar to argue as his defence that he went to treat with the Nawab with an avowed intention of palpably cheating him.

Assertion of Mr. Hastings that the resumption was the Nawab's desire.

But, my Lords, he says that this was the earnest desire of the Nawab. We have undoubtedly only Mr. Hastings' assertion for this desire; but, if we may judge from the Nawab's conduct prior to this treaty—if we may judge from his conduct subsequent to this treaty—if we may judge from his conduct at the moment that Mr. Hastings' interpretation of the treaty was being carried into execution—if we may judge from the Nawab's conduct subsequent to the time of its being carried into execution—we may at least I think confute Mr. Hastings' assertion in the year 1780, in a letter to Mr. Purling. Your Lordships will have this letter in evidence. In the year 1780, the Nawab, in the most pathetic manner, writes to Mr. Purling, the Resident at his court, who had made remonstrances to him upon the accumulation of his debt:—

Letter of the Nawab declining to seize the Begums' jaghires.

"I have received your letter.

"You write that you informed the Council in the month of Maug, that I had not sources in my country, and my expenses were very great, and that you have received an answer from the Council that whatever balance was due at the end of the year I should pay, and that the sum 1,06,62,000 rupees, which were granted as assets, should suffer no diminution, nor will the gentlemen of the Council allow one rupee but that, agreeable to the account particulars, the balance of 1,36,62,188 : 12 must be assigned.

"I have in no respect failed in my compliance with the pleasure of the Council or my friendship for the Company as far as I have had ability, and I have acquainted you very fully with the state of my country and the sources of the revenue: and I have even put a stop to the expenses of my table, and the animals I ought to keep, and the jaghires of my servants and attendants, and there are assets of 98,98,375. After this I wrote the jaghires of my grandmother and my mother, and of the Nabob Sallar Jung, and of my family and the sons of my uncle, Mirza Ally Khan, which were granted them for their livelihood, and they amounted to the sum of 7,63,625 rupees. By this means has the business been done, but they all possess engagements. And I have made over in assignment the expenses of my table, which I have put a stop to with this view, that the gentlemen of the Council understanding my distressed situation would show me their friendship. I at first opposed the assigning the jaghires of my grandmother and mother and uncle. Now that the Council have, upon such a representation of my distress, written that there shall not be less assignments than 1,06,62,000 rupees, and that the balance of 1,36,62,188 must be given, I am acquainted with the particulars of the 1,36,62,188. If the gentlemen of the Council, or you, Sir, will inform yourselves from the accounts, you will find it is not to be obtained. Whatever in justice can be obtained from the accounts have been granted, but at this time assignments are

demanded of me. The business of the world is easy and passes away, and the gentlemen of the Council should in everything that is just be my guardians and my friends. I do not put my life in competition with friendship. Whatever assets were in the country, with even my table, my animals, the jaghires of my grandmother, mother, and my uncles, the Nabobs Mirza Allee and Sallar Jung, which were granted them for their maintenance, are at your disposal. If the Council have directed you to attach them, do it. In the country no further sources remain, and I have no means, for I have not a subsistence."* 16 APR. 1788.

In this letter, the Wazir, driven to the extremities of distress—having reduced even his table expenses—having granted assignments upon all the jagirs and property of his family and dependants—does mention his mother, his grandmother and his family, but he says, "Over them I have no power. They possess engagements. If it be your pleasure to do this—if it is the order of the Council that you do it—do it. It is your business not mine." Under these circumstances is it to be supposed that the Wazir, at the treaty of Chunar of the 19th of September, having obtained, by the first article, of Mr. Hastings, a release from that brigade which had borne him down, from that expense which had accumulated his debt, should at that moment choose to propose to Mr. Hastings to resume those jagirs, which at the time that he was reducing even his table expenses he did not presume to touch?

Evidence of Mr. Middleton that the Nawab opposed the measure.

But, my Lords, it appears that, when this measure was to be carried into execution, Mr. Middleton, even after the thing was determined upon, even when he was carrying it into execution, in all his private letters—those letters which, as I mentioned before, were suppressed by Mr. Hastings, but which the accusation of Mr. Middleton and his necessary defence have bought out—Mr. Middleton tells you that the Nawab uniformly opposed the measure. He complained of treachery in his ministers, for having given any reason to expect that he would deprive his family of their jagirs. But this is not all; for, at the time that Mr. Middleton was at Fyzabad, when he was within two days of completing this dreadful act, he represents that the Nawab was still wavering. He calls it a puerile reluctance,—insulting the Prince at whose court he was—insulting the Prince who had been formerly oppressed—insulting a Prince who wished to nego-

* Printed in the "Minutes of the Evidence," p. 479.

16 Apr. 1788. tiate with his mother—who hesitated, standing at her door, —this Mr. Middleton, with a hardness peculiar to those attached to Mr. Hastings, calls a puerile reluctance. But, whether puerile or whether well founded or not, it was an objection to the resumption of the jagirs.

Letter of the Nawab desiring to restore the jagirs.

In the course of the month of January a great part of the treasures of the Begums were seized. The Wazir had returned to Lucknow without seeing his mother, by the express order of Mr. Hastings. No sooner does he return to Lucknow than he writes to Mr. Hastings, desiring that he may be permitted to restore these jagirs which he had reluctantly taken.

It is, then, upon the bare assertion of Mr. Hastings —Mr. Hastings accused—Mr. Hastings defending himself against an accusation of having forced the Nawab—that we are told upon the records of the Company that it was at the Nawab's express desire. We have evidence that, when the Nawab was in the greatest distress—reduced to mere beggary —he was unwilling to touch the property of his mother. We have him, at the moment of his going to plunder her of her treasures, supported by the English, under no apprehensions of any consequence of breach of faith with them or violation of the guarantee, strongly expressing his disapprobation of the measure. We have evidence upon the records of his expressing the same disposition the moment that he returned to his court:—

> "Having appointed my own aumils to the jaghire of the lady mother, I have engaged to pay her cash; she has complied with my views. Her pleasure is that, after receiving an engagement, he should deliver up the jaghires. What is your pleasure in this matter? If you command, it will comfort the lady mother, giving her back the jaghire after I have obtained my views; or I will have it under my own aumils. I am obedient to your pleasure."

Here again is this poor miserable Wazir praying to Mr. Hastings for permission to restore that property to his mother which he had so unjustly taken from her, trusting that by restoration he might make his peace with her.

Inference from the date of Mr. Hastings' assignment of his reasons for signing the treaty.

But, my Lords, added to these circumstances, the moment of Mr. Hastings giving his reasons for signing this treaty of Chunar is perhaps of all others the most suspicious. Mr. Hastings signs this treaty on the 19th of September. Your Lordships have heard of the letter he wrote on the 18th of September. You have heard of various letters he wrote

previous to that time. You have heard the disposition of the Nawab prior to entering into that treaty. You have heard his disposition since. From none of these circumstances does it appear that there was any disposition in the Nawab to resume these jagirs, or does it appear that, either in the mind of the Wazir or Mr. Hastings, was there any apprehension of any danger from the Begums holding these. Indeed, during the whole transaction, it is clear the Wazir never did once conceive that his mother was in a state of rebellion. It is not urged as a ground and a reason for the facts that were imposed and forced upon him. The Wazir never once mentions their rebellion: he never speaks, either in justification or as a reason for any part of his conduct, of considering them as disaffected to his government. 16 Apr. 1788.

His disappointment of the booty in Bidjey Ghur.

My Lords, you have heard in the last charge what was the effect of the loss of Bidjey Ghur. You have heard in this, in his letter to Sir Elijah Impey, that Bidjey Ghur was one of the objects that gave him the most concern. Bidjey Ghur he looked upon as a resource. Bidjey Ghur was the place from which he expected to get means for covering all the enormities of his former transactions. From Bidjey Ghur he expected to gratify his employers at home. Being disappointed of that, he was obliged to have recourse to other means: failing in his object there, he was to look round. This modern Alexander was then reduced to the situation to which his great predecessor has been compared. He was then in the situation, perhaps, more of a Bagshot than of a tyrant. He was not then in a situation of a great emperor; he was not then in the situation of a man whose conduct is regulated by justice, who feels any degree of responsibility,—but of a man who is determined at the time to gratify his passion and supply his immediate necessity by any means that are offered to him. Mr. Hastings at that time indeed was disappointed of his object.

On the 12th of November he receives intelligence that Bidjey Ghur was taken; but not that Bidjey Ghur had produced what he expected; for his letter encouraging the troops to seize it, and promising them the plunder, which he thought was the best means of securing it, had failed in the object. Distrusting Mr. Hastings, or eager for the prize, —it is immaterial which,—no sooner had they taken it than they divided it: they divided it even before they communicated it to Mr. Hastings. Then was Mr. Hastings indeed in

16 Apr. 1788. a deplorable situation. Sir Elijah Impey says he found him in a distress that he had never seen his great mind reduced to before. Then he thought that the check and the control of Colonel Monson, General Clavering and Mr. Francis, were more tolerable—that the subsequent opposition of Mr. Francis was more friendly—than the fatal compliance of Mr. Wheler, who consented to divide the government with him, who placed him in such a situation of responsibility that he could not move a step or take an act without involving himself in all the consequences. He then felt it.

The perplexity it occasioned him.

"How," says he, "shall I screen my character from all the invectives that will be suggested by the rancour of disappointed rapacity? How shall I answer my employers with empty treasuries? How shall I return to Calcutta without an immediate supply of money? I shall be suspected,—though God forgive those who know me and entertain the suspicion that I was influenced by mercenary interest,—it will be suspected that I was influenced by private resentment in the expulsion of Cheyt Sing. God knows implacability to my inferiors is no part of my character; yet I shall be suspected of gratifying personal revenge, and, in obtaining satisfaction for a personal injury, to have risked the fate of this country, to have expelled Cheyt Sing from his dominions, and to have lost that profit and that emolument which, if I had listened to him at an earlier period, I might have taken and applied to the resources of the Company. Bidjey Ghur is lost: the treasures of the Begums are secured to them by treaty; but they must be taken. I must have them; for without them I cannot return."

Is tempted to supply the loss by the treasures of the Begums.

Comparison with a highwayman.

My Lords, Bagshot would have reasoned in the same manner, meeting with a similar disappointment or a similar misfortune. "Cruelty is not my nature. I only meant to make the gentleman contribute to my necessities, which God knows he could well afford. He resisted. It became then a point of honour. If I had given way my courage might have been disputed. The consequences indeed were fatal to me: the report of my fire occasioned such an alarm that I was obliged to fly. The person from whom I expected so much booty fell unfortunately into other hands; they have plundered him; and here am I left, the night half-spent, and no means of returning home. My honesty and my courage will be suspected by my party. The gang will immediately betray me. If I have no money, how can I expect to be screened from my former delinquencies? Is there no house in the neighbourhood? Are there no widows, are there no women, helpless and defenceless, who may perhaps be in possession of the wealth of their departed husbands? I must break open their doors, or I can never return to the capital."

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Indeed this is a true description of Mr. Hastings' conduct; though, considering the greatness of the persons concerned, considering the greatness of the object, considering the greatness of the interest, both in this country and in the world in general, considering that it is the cause of humanity, that it is the cause of parental and filial affection, we must use different terms. We talk of treaties — we talk of good faith; but in truth it is neither more nor less than a vile, sordid, dirty, robbery.

Statement of Mr. Hastings that there were suspicions of rebellion.

But, my Lords, after all, Mr. Hastings himself does not pretend to call these more than suspicions. He says, in his justification of the breach of the guarantee, that suspicions were entertained of their rebellion. Good God, my Lords, upon suspicion will you break a treaty? But this was suspicion of a circumstance of which he could have had competent knowledge, with the Wazir, the Sovereign of the country, in his camp, and his own representative, the Resident, with him. In those circumstances it was impossible that Mr. Hastings should not have known for certain whether those suspicions, if ever he did entertain them, were well founded. The suspicions were that the Princesses of Oude had encouraged the rebellion of Cheyt Sing; that it had been a measure concerted between them previous to Mr. Hastings going there, and that Colonel Hannay and Captain Gordon, and other officers who were ordered to join Mr. Hastings, upon the alarm that was given by the revolution at Benares, had been obstructed in their passage; and that their troops had been drawn from them by the agents of these Princesses. That Mr. Hastings had no suspicions at the time of making the treaty is clear. He endeavoured to confirm these treaties afterwards. He endeavoured to confirm them by employing persons in taking affidavits, to prove upon oath what they had heard as public rumour. I trust, then, that, as far as necessity—as far as state necessity—as far as expediency [are concerned]—considering it as a measure to be immediately taken—Mr. Hastings, neither in his own Defence nor in any account that is given of this transaction, can possibly urge that plea. From this time, from the 29th of November, which is the time when he first communicates the treaty and he first communicates his reasons for making it, it must bear rather the aspect of a measure of justice. I suppose, when Mr. Hastings says it was a just measure as well as a necessary and expedient one, that he means to prove that, when he had time for examining—when he had time for considering whether those suspicions

Suspicions that the Begums had encouraged the rebellion of Cheyt Sing.

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which warranted the first steps were well grounded,—upon further investigation, they were so authenticated and so proved that they warranted his advice to the Nawab, if not his orders, which warranted the Nawab himself in violating his duties as a son in plundering his mother.

Mr. Hastings' plea of want of education, owing to his early removal from England.

Mr. Hastings has frequently stated that he was removed from this country at so early a period of life that it was not possible for him to entertain those accurate notions of justice —those accurate notions of the modes of administering justice—in this country which we or others may possess. He was, he says, not like the ministers of this country, who have all the wisdom of the law, who have all the ablest statesmen, who have all the experience of the ablest generals and the first military characters, in the country to consult with. He had no professional aid; he had only the resources of his own mind, and minds equally ill-instructed with his own. But the resources of his own mind were certainly at his own command. The resources of his own mind were fertile enough when it was necessary to urge arguments, either to the Nawab or to others, against a measure which he thought would be detrimental to himself. The resources of his own mind were fertile enough for carrying measures into execution which were to be attended with advantages to himself. If he had had recourse to the resources of his own mind at this moment, it might have suggested itself to him, as it did at the time when he refused to admit of any inquiry, when he rejected the motion of Mr. Stables for an inquiry into the conduct of the Begums—he might have applied the same principles, he might have applied the same arguments in objection to his own conduct, that he did to the motion which was made by Mr. Stables. The Nawab had returned from Mr. Hastings by Fyzabad. If the Nawab had desired to be permitted to resume the jagirs from any apprehension of danger or suspicion of disaffection in his mother, he returned by Fyzabad; he had been eye-witness of the quiet and calm there was at that place; he had visited his mother, and had been satisfied, from a personal interview with her, that, whatever rumour might have been spread, the same affection subsisted. He might have said,—"It would ill become this government to interpose its influence by any act which may tend to revive the animosities between the Nawab and his mother; and a very slight occasion will be sufficient for it." We know how that mother had been pressed by that son. We know how the pressing debt of

Arguments in favour of the Begums.

the Company had obliged him, time after time, to apply to his mother for treasures. We know how the application for these continual aids had occasioned discontent on the part of the Begum. Not that she suspected her son; she always attributed those applications to the mismanagement of his ministers. Said she,—"In the time of Suja-ud-Dowla, with less revenues, with less dominion, his affairs were in a state of prosperity; but now, my son, with larger revenues and more extended territory, is reduced to this necessity. I am continually oppressed. We poor women are continually applied to to answer for the distresses of the country, which are occasioned by the mismanagement of his ministers." The Nawab, who had endeavoured—or at least who wished—once to have taken the treasures of his mother, not from any desire of depriving her of them, but as a means of satisfying the rapacity of the English, would instantly have taken fire on a declaration that they were his right. He would proclaim that the judgment of the Company, which had formerly restrained him, was now in his favour; and he would demand a restitution of those rights, and a surrender of those treasures, which Mr. Hastings even now pretends to say, though falsely, were unjustly withheld from him. "If we cannot heal let us not inflame the wounds that have been inflicted. If the Nabob thinks himself aggrieved to such a degree as to justify him in an appeal to a foreign jurisdiction—to appeal to us to assist him in gaining the treasures from his mother and to resume her jaghires—appeal against women standing in the relation of mother and grandmother—to appeal to the justice of those who have been the instruments and the means of withholding from him his just rights—let him at least be permitted to be the judge of his own feelings, and prefer his complaints before we offer to redress them. The majesty of justice"—Mr. Hastings, assuming the majesty of justice, says,—"ought to be approached with solicitation, not descend to provoke and invite it; much less to debase itself by the suggestion of wrongs and the promise of redress, with the denunciations of punishment before trial and even before accusation."* 16 Apr. 1788.

My Lords, if Mr. Hastings' mind had not been perverted by avarice; if money alone had not been his object; if the justice of the case had been the ruling principle of his

* Minute of Mr. Hastings. See "Minutes of the Evidence," p. 923.

16 APR. 1788. conduct, he would indeed have had recourse to the resources of his own mind, and he would have found those principles which I have read to your Lordships. He would have found that, in acting in the character of a judge, he was not to suggest wrongs. He was not to take the head of justice in that country—to take the protector of India—and send him, as a mean agent, to take affidavits to prove those facts which he falsely said that he entertained suspicions of.

Nature of the affidavits taken by Sir Elijah Impey.

But, after all, what do those affidavits, founded upon those suspicions, amount to? Mere rumours—reports. Reports from whom? Reports from Colonel Hannay and Captain Gordon, and those officers whom the Nawab, in the year 1780, complained of; officers commanding those corps that collected his revenues—those corps which had occasioned the discontent and disturbances in the provinces of Baraitch and Goruckpore, of which your Lordships will hear a more detailed account in a subsequent charge. But, without entering into a detail of them, these reports go no further than that, withdrawing those troops from a country where disorder had reigned, disorder revived; that those troops, upon not being regularly paid, threatened to desert their commanders; and some of them say they were going to the Begums who would pay them. But there is not the least tittle in all these affidavits, which were taken with so much assiduity and with so much authority—being taken by a chief justice—there is not a direct proof of a rebellion; which indeed would not require any formal and legal investigation. To prove the notoriety of it might have been necessary upon trial; but I don't believe that it was ever thought necessary for a statesman to send round a chief justice to take affidavits as a justification for a great political measure. These affidavits, however, were taken at Lucknow.

The evidence of Middleton and Hyder Beg silent with regard to rebellion.

Those whom one would suppose the first to give intelligence upon the subject—those most competent to give information—were the Resident and the minister; both well disposed and inclined to favour any project of Mr. Hastings; but upon their oaths they did not dare say that they were in rebellion. Mr. Middleton, in his affidavit, talks of rumours: he has heard of things that have been reported: but, though his affidavit was on the 25th of November, and the rebellion is supposed to have existed early in September, he is not able even then positively to assert that any such thing existed. The affidavit of Hyder Beg, the minister, says not a syllable about it. His affidavit goes only to prove the rebellion of Cheyt

Sing, his indisposition to the English, and his desire, if he could, to extirpate them; not, I think, a very unnatural desire, but well founded, I think, upon the evidence you have heard with regard to Cheyt Sing; but no evidence does Hyder Beg, the minister of the sovereign against whom this rebellion is supposed to have existed, give of a rebellion having existed. 16 APR. 1788.

No complaint made by Mr. Hastings to the Wazir of injuries to the English resulting from the rebellion.

But, my Lords, if a rebellion had existed, the Wazir was the man to repress it. He was the man whose country, Mr. Hastings says, was disturbed. It was for him to quiet it: it was for him to institute the inquiry that he thought necessary, if the effects of this rebellion disturbed the quiet and the peace of the English. If we were endangered, if our troops were insulted or harassed, Mr. Hastings, in the character of an ally, had undoubted right to complain to the Wazir. He might by remonstrance represent to the Nawab the conduct of his mother and grandmother; he might represent to him the conduct of their servants and his subjects. No such representation did Mr. Hastings ever make to the Wazir. Cautiously and anxiously does it appear that he kept all idea of rebellion from the sight and knowledge of the Wazir. The Wazir was to be tempted into a consent to this execution by holding up to him the justice and propriety of applying useless treasures in the hands of his mother and grandmother, for the purpose of discharging a debt which oppressed him. They were arguments used by an unrelenting and oppressive creditor, not the arguments of an ally applying to a sovereign prince for redress against the conduct of a subject. But, acting in this judicial character, one should suppose at least that some intimation, that some knowledge, of this would have been communicated to the mother and grandmother of the Nawab, who are supposed to be the first and leading delinquents.

Letter of Middleton to Mr. Hastings, relating the circumstances of the resumption of the jagirs.

Mr. Middleton writes to Mr. Hastings, on the 27th of December, giving him, as he professes here to do, an account of everything that had been done relating to this measure of resuming the jagirs. And, my Lords, I must observe upon this letter, what certainly will occur to your Lordships upon reading it in the evidence, and will be more forcibly observed upon in the summing up, that this letter, professing to give a full and accurate account of all that has passed—a letter upon which the Council abroad founded their letters, giving the information to their employers at home—is accompanied by a remarkable private letter from Mr. Mid-

Accompanied by a private letter offer-

15 Apr. 1788. dleton to Mr. Hastings, of the same date as the public letter; that is, the 27th of December. This is the private letter:—

ing to represent the transaction in a manner pleasing to him.

"My dear Sir,—I have this day answered your public letter in the form you seemed to expect. I hope there is nothing in it that may to you appear too pointed. If you wish the matter to be otherwise understood than I have taken up and stated it, I need not say that I shall be ready to conform to whatever you may prescribe, and to take upon myself any share in the blame of non-performed stipulations on the part of the Nabob." *

In reading these private letters, perhaps your Lordships will think that, before I have given the evidence of the others, I have totally destroyed all possible credibility in it. Here is a public letter of the 27th of December, purporting to give an account of transactions of two months preceding, accompanied by a private letter, saying:—

"You know, my dear Sir, how ready I shall be to represent this matter in the manner that shall be the most agreeable to you. Say it only, and I shall do it."

This private letter is written in the same style with all those letters which Mr. Middleton has produced in his defence, and which we shall produce to show the real criminality of Mr. Hastings. He writes to him in the submissive tone of an agent acknowledging that he does not presume, not only to do anything, but even to give an account of the act when it is done, but agreeably to the wishes and pleasure of Mr. Hastings.

But this letter, whether the facts contained in it will be credited by your Lordships or no, does profess to be Mr. Middleton's account of this transaction; and, notwithstanding his letter of the 1st of December—notwithstanding his letter of the 2d, the 7th, and various other letters of December, expressing the Nawab's reluctance, his disinclination, to resume the jagirs, he here says the resumption of the jagirs is a measure of the Nawab's. He says, the unwarrantable resistance of the Begums to this justifiable measure of the Nawab's has determined him to go himself to Fyzabad and seize the treasures. The Begum's rebellion, your Lordships observe, at this moment assumes a different character—not a rebellion against the Nawab in consequence of the revolution of Cheyt Sing, but a rebellion in con-

The letter ascribes the measure of resumption to the Nawab.

The Begums only charged with resistance to the act of resumption.

* Printed in the "Minutes of the Evidence," p. 513; where the date is given as the 30th of December, 1781.

sequence of opposition to lawful and justifiable orders issued by the Nawab, to carry into execution a measure of state policy—the resuming her jagirs. 16 Apr. 1788.

The first letter from the Begum to the Resident states her surprise at finding that her jagirs had been seized by an amil of the Nawab; to which Mr. Middleton makes this answer:—

Reasons assigned by Middleton to the Begum for the resumption.

"I have received your letter. The Nabob has thought proper, on account of the inconveniences, loss and indignities, he sustains from the authority exercised by the jaghiredars throughout the country, to resume all the jaghires in his dominions; in which yours is necessarily included."

In this letter, your Lordships observe, Mr. Hastings* never accuses them of rebellion; he never justifies the measure of resuming the jagirs upon any peculiar misconduct of theirs. He states only that their authority is incompatible with the necessary authority of the Wazir for preserving the peace and good order of his country; but, says he—

"As the amount of your jaghire is confirmed to you by a written agreement between you and the Nabob, and guaranteed by Mr. Bristow on behalf of the Governor General and Council, it will be made good to you in ready money."†

He never intimates that there is any discontent towards them on the part of the Nawab; but the resuming the jagirs of those who had misbehaved and who had given him uneasiness necessarily involved them.

Letters of the Begum to Middleton, appealing for protection.

There is a reply of hers, in which she says:—

"I find that Meer Nazier Ally has been invested with the charge of my jaghire; which to me is unaccountable. The jaghire is not his grant"—meaning the Wazir's—"that he should resume it. What his intentions may be I am at a loss to form an idea of."‡

In another letter she says:—

"The particulars I have written to you respecting my jaghire having arrived, will be read by you"—that is, alluding to the former letter. "The Nabob has sent aumils to take charge of them. The coulnama under your seal is in my possession, in which all interference in my jaghire is disclaimed, as well as all demands on me for money. Now the engagements of the Nabob are disregarded, although the English are at hand."

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* Read Middleton?

† Printed in the "Minutes of the Evidence," p. 815.

‡ Printed as above.

16 APR. 1788.

My Lords, here, to the disgrace of the British character in India, the Begum calls upon the English for a fulfilment of their treaty, and is obliged, from what she says, to insinuate that, though the English are at hand—though they are guarantees — though they are present — though the Nawab is in their hands and in their power—still he is infringing upon her property.

"I shall in ten days proceed to Lucknow; where, having fully explained and adjusted affairs, I shall repair to wherever my will may direct."

In a subsequent letter she says:—

"You are acquainted with the purport of the coulnama disclaiming all interference with my jaghires, and by the blessing of God are at hand for my benefit."

In all these letters she shows her constant and uniform confidence in the English; never expressing the least apprehension, the least fear, from any conduct of her own, that it was possible the English could withdraw that guarantee and that protection which they had afforded her before. To this third letter Mr. Middleton replies:—

Reply of Middleton.

"I had the honour to reply to your former letter yesterday: to the contents of which I must beg leave to refer you, as far as relates to securing to you the actual income of your jaghires, gunges, bazars, &c., set forth in the coulnama subsisting between you and his Excellency the Nabob. I certainly am bound in duty to interfere; because the faith of the Governor General and Council, my masters, has been pledged to you for it; and I am ready, as I before informed you, to settle that point to your satisfaction. But as to continuing the lands, &c. in the form you have hitherto held them, his Excellency the Nabob is the master, and I cannot oppose his pleasure. It behoves you to reflect well on this matter. I am equally the friend of you and your son the Nabob, and can have no prejudices in favour of the one or the other. His Excellency declares—and I myself have seen too many proofs to doubt it—that the authority and dominion exercised by the jaghiredars is extremely prejudicial to his revenue and government." *

Then there is a subsequent letter from the Begum, in which she still continues to rest her confidence upon the kaulnama and guarantee of the English.

Middleton's letters contain no imputation against the Begum of disaffection to the Nawab.

In no part of this correspondence does Mr. Middleton presume to impute to her the least disaffection to the Nawab. He represents it uniformly as a measure of state policy. He admits the guarantee; but he says the measure is such an one as is provided for without any contradiction to the spirit of the treaty to which the English are guarantees.

* Printed in the "Minutes of the Evidence," p. 815.

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Insolent reply by Middleton to the Begum's remonstrances.

The Princess mother still continues to remonstrate against this conduct of Mr. Middleton: when Mr Middleton, assuming the character of his master, and following the example that he had set him in the revolution at Benares, considering any remonstrance — considering any objection or opposition to his will — as an insult that is not to be borne by an Englishman, says,—"A person assuming your name has just arrived here with a letter under your seal, addressed to me." He does not think it possible that she could have had the presumption or the insolence to oppose his will. "But, as I cannot believe, either from the subject-matter or the stile, that it can have been dictated by you or written with your knowledge, I enclose a copy of it, that you may detect the forgery and inflict a proper exemplary punishment on the person who shall have dared thus to abuse your confidence and insult me." A man acting, as he is called by his employer, as Mr. Hastings' own immediate agent,— in that servile capacity wearing the *insignia* of an ambassador, but acting as a mean agent to one member of the Council only,—presumes to say to one of the first Princesses of India, that, because she remonstrates against this measure—because she remonstrates against the breach of British faith plighted to her—because she threatens to leave the country (though she writes in a manner that would do honour to the pen of any sovereign in this part of the world or any other), he supposes that it must have been a mean forgery—that it cannot be her production.

The remonstrances of the Begum construed into acts of rebellion by Mr. Hastings.

These were the grounds upon which he founds this rebellion—this opposition to his will. These remonstrances,—supported upon treaties and upon agreements to which the English were guarantees, were considered as a rebellion that justified, not only depriving the mother and grandmother of the Nawab Wazir of the property that belonged to them, but enforcing the discovery of these treasures by acts of the greatest cruelty, by acts of the greatest ignominy—taking their ministers and confining them in fetters, not so much as a punishment, but as a means of forcing them to betray their mistresses. As Mr. Hastings says,—"It appearing that these two eunuchs were capable of affording the Nawab the most effectual assistance in the recovery of his claims on the Begums, and that in fact there was very little probability of succeeding without their aid, it was deemed good policy to tempt them with assurances of a mitigation of their punishment in proportion as they might exert themselves

16 Apr. 1788. in the business." So that even the least mitigation of their punishment—the suffering their fetters to be taken off but for an hour—was done merely, as is stated by Mr. Hastings in his Defence, as the most effectual means of inducing them to betray that trust which their sufferings could not force from them.

Mr. Middleton, in pursuance of this measure, went to Fyzabad; and, by his own account, on the 13th of January they first took possession of the Kella. Two days were spent in "idle and puerile negotiations." However, the Begum mother and the Begum grandmother rested in confidence upon the English. Notwithstanding Mr. Middleton was in the Nawab's army, notwithstanding the representative of the English government at his court was present, the Begum still had that confidence in the British nation, she still gave so much credit to British faith pledged to her, that she resisted and refused a compliance with his desire of giving up the treasures. And Mr. Middleton himself says, that if she had not received a letter from Mr. Hastings two days after the seizure of the Kella, in which Mr. Hastings for the first time communicates to the Princess that he had withdrawn the guarantee, they never would have complied. This, says Mr. Hastings, had the desired effect. This threw the Princesses into despair. Their whole trust had been in English faith. No opposition to the Nawab—no military force—no compulsion—nothing but the surrender of them by the withdrawing of the British faith, could have induced them to have given their treasures, and could have insured the success of this wicked measure of Mr. Hastings.

The Begums induced to submit by the withdrawal of the guarantee by the English.

Sums taken from the Begums.

Before the end of January, 500,000*l.* out of 600,000*l.* that was to be taken from these Princesses was paid. The cruelties that were exercised upon the ministers afterwards was for default of the balance: more was claimed than they could immediately pay. Within the month of January 500,000*l.* was paid by the Princesses. Not that I mean to say that the whole of the debt was paid, but that that debt which was claimed, which was made the pretence for all these measures, was paid by these Princesses in that month. The subsequent cruelties were for an accumulation of a debt, subsequent, as Mr. Hastings pretends, to the time that the design originated. The jagirs that were resumed as a measure of state policy, and for which the Begums were to have received an equivalent, were taken and kept by the Resident and his assistant. The pension stipulated for was

The stipulated pens-

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ions never paid to them.

never paid. In consequence of not paying this, not the Princesses only were distressed, but the whole family of the late Nawab were distressed. The Khurd Mahal, or lesser palace, the place in which the younger part of the family of the Nawab were confined, was reduced to the utmost distress. Mr. Hastings says he is not answerable for that. He says they were not included in any of those treaties; that there was an express provision made for them by the Wazir; that he had no right to interfere. He might have recommended, as a matter of propriety, that the Wazir should provide for them, but he had no right to compel it.

Sufferings of the family of the late Nawab.

Responsibility of Mr. Hastings.

Your Lordships have seen how effectual Mr. Hastings' recommendations were when he thought proper to make them. You have seen that the Wazir, though an unwilling instrument against his mother, was so far under the awe and directions of Mr. Hastings that he did not dare to oppose his will, though he presumed to remonstrate against it. Whether therefore the Khurd Mahal, or palace of the younger part of the family, were or not by right to be maintained by the Wazir is not so important to the question in point of fact. As long as the Begums remained in possession of their jagirs, these women and children were provided for. From the moment that the Princesses were deprived of the means of maintaining themselves and that their treasures were confiscated, all the scenes of distress, of famine and of ruin, fell upon the younger part of the family as well as the others. To describe those distresses would require a presence at the scene; I will therefore read to your Lordships the accounts of it which are given by those unfortunate officers who were compelled by Mr. Hastings to be guards over these women, and to enforce orders disgraceful to the character of a British soldier, who, eager in the field of battle, is not inattentive to the calls of humanity, and is as ready to assist his conquered enemy, when he sees him at his feet, as he is to oppose him when he meets him in the field.

Account by Captain Jacques of the sufferings of the women in the Khurd Mahal.

The first account is from Captain Jacques, on the 6th of March, 1782, a very early period after the seizure, but a period subsequent to the payment of 500,000*l.* assigned and applied to the uses of the Company:—

"The women belonging to the Khourd Mhal, or lesser palace, complain of their being in want of every necessary of life, and are at last drove to that desperation that they at night get on the top of the zenana, make a great disturbance, and last night not only abused the sentinels posted

16 Apr. 1788. in the gardens, but threw dirt at them. They threaten to throw themselves from the walls of the zenana, and also to break out of it. Humanity obliges me to acquaint you of this matter, and to request to know if you have any direction to give me concerning it. I also beg leave to acquaint you, I went to Letaffit Ally Cawn, the Cojah, who has the charge of them, who informs me their complaint is well founded,—that they have sold everything they had, even to the clothes from their backs, and now have no means of existing."*

He writes again the next day:—

"I beg leave to address you again concerning the women in the Khourd Mhal. Their behaviour last night was so furious that there seemed the greatest probability of their proceeding to the utmost extremities, and that they would either throw themselves from the walls or force the doors of the zenana."†

Account of the same by Major Gilpin.

On the 30th of October Major Gilpin writes another account of this to Mr. Bristow:—

"Last night, about eight o'clock, the women in the Khourd Mhal zenana, under the charge of Letaffit Ally Cawn, assembled on the tops of the buildings, crying in a most lamentable manner for food—that for the last four days they had got but a very scanty allowance, and that yesterday they had got none. The melancholy cries of famine are more easily imagined than described; and, from their representations, I fear the Nabob's agents for that business are very inattentive. I therefore think it necessary to make you acquainted with the circumstance, that his Excellency the Nabob may cause his agents to be more circumspect in their conduct towards these unhappy women."‡

In the year 1783, when the Nawab had released the ministers of his mother and grandmother, after a confinement of near a twelvemonth, still the Resident kept the jagirs in his own hands—still withheld the pensions that were stipulated to be given them; and thereby continued these miseries to the Khurd Mahal which the Begums, who had formerly relieved them, were now rendered totally unable to redress.

"The ladies, their attendants and servants, were still as clamorous as last night. Lataffit, the daroga, went to them and remonstrated with them on the impropriety of their conduct, at the same time assuring them that in a few days all their allowances would be paid, and, should that not be the case, he would advance them a ten days' subsistence, upon condition that they returned to their habitations. None of them, however, consented to his proposal, but were still intent upon making their escape through the bazar; and in consequence formed themselves in the following order,—the children in front; behind them the ladies of the seraglio; and behind them again their attendants. But their

* Printed in the "Minutes of the Evidence," p. 851.
† Printed as above, p. 391. ‡ Printed as above, p. 397.

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intentions were frustrated by the opposition which they met with from Lataffit's sepoys. The next day Lataffit went twice to the women, and used his endeavours to make them return into the zenana; promising to advance them 10,000 rupees; which, upon the money being paid down, they agreed to comply with; but night coming on nothing transpired. On the day following their clamours were more violent than usual. Lataffit went to confer with them on the business of yesterday, offering the same terms. Depending upon the fidelity of his promises they consented to return to their apartments; which they accordingly did, except two or three of the ladies and most of their attendants. Lataffit then went to Hoshmund Ally Cawn, to consult with him about what means they should take. They came to a resolution of driving them in by force, and gave orders to their sepoys to beat any one of the women who should attempt to move forward. The sepoys accordingly assembled, and, each one being provided with a bludgeon, they drove them by dint of beating into the zenana. The women, seeing the treachery of Lataffit, proceeded to throw stones and bricks at the sepoys, and again attempted to get out; but, finding that impossible, from the gates being shut, they kept up a continual discharge till about twelve o'clock, when, finding their situation desperate, they returned into the Rung Mhal, and forced their way thence into the palace, and dispersed themselves about the house and gardens. After this they were desirous of getting into the Begum's apartments; but she, being apprized of their intentions, ordered the doors to be shut. Lataffit and Hoshmund Ally Cawn posted justices to secure the gates of the lesser mhal. During the whole of this conflict the ladies and women remained exposed to the view of the sepoys."*

Reflections on the exposure of the women to the view of the sepoys.

This observation of the women, during the whole of this conflict remaining exposed to the view of the sepoys; their being driven to such extremity of distress and famine as to make them so far forget the sanctity of their female character as, not only to expose themselves to the view of men, but to make a direct opposition, [is of the greatest significance?]. In a country like this such sanctity of character may appear trivial—it may appear ridiculous. Fortunately for the happiness of us, women in this country are not less the objects of our esteem than of our desire. In this country, there is never wanting either a husband, a father, a brother or a friend, to avenge any insult that may be offered to female delicacy. In both countries the female character is protected; in that, compassion should be their shield, as respect and reverence is their guard in this. And difficult, perhaps, as it may be to conceive the cause, yet I may venture to say, that if there were any form—however trivial, however ridiculous, the idea may appear now—to which, in the opinion of this country, the female character was inseparably attached, I may venture to say that the women of this country would

* Paper of Intelligence from Fyzabad.—Printed in the "Minutes of the Evidence," p. 899.

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as willingly risk their existence in the preservance of that form, and undergo all the sufferings and all the distresses that are described here, and risk their very existence in the maintenance of it, with as much cheerfulness as the Hindu lays herself unhappily upon the pile of her departed husband.

Cruelty of Mr. Hastings in working on such scruples in order to extort money.

My Lords, these are great aggravations of Mr. Hastings' conduct. The prejudices of that country are not such as can ever be made the objects of offence. Ignorant, unfeeling, men may treat them with contempt: they may consider them as ridiculous; but they never can make them offensive. They all tend to make them more submissive. None of them suffer them to become objects of our contest. But Mr. Hastings has taken advantage of those prejudices: he has taken advantage of those superstitions. Knowing they would risk everything sooner than appear in the sight of men—knowing that the Wazir would risk everything sooner than suffer his mother and grandmother to be exposed to the sight of men—he used these ineffectual means—as there were no treasures, no property, for them to give up—he therefore cruelly and unfeelingly made use of these as instruments of extorting further sums of money, which on further examination he found they could not produce.

Conclusion.

I have thus endeavoured, though perhaps imperfectly, to convince your Lordships that this measure could not possibly originate in any political or state necessity; that this measure was, as all Mr. Hastings' measures are, either founded in personal avarice or with a view of gaining money, that should secure his own retreat and screen him from the punishment of his employers, whom for so many years he has baffled. But now, my Lords, we don't depend upon the Directors of the East India Company for the security and for the preservation of the British character. The indefatigability of the Commons, the virtue of the honourable gentleman who opened this charge, have brought Mr. Hastings to your Lordships' bar. You have now an opportunity of inquiring whether the reports of East Indian delinquency—whether the reports of East Indian cruelties—are true or false. You can equally by his acquittal or by his condemnation vindicate the British character; for your Lordships will not—your Lordships cannot—acquit him if these facts are proved. Your own character—the character of the nation—is too deeply interested. No set-off—no merits in other respects—can excuse him for this.

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You never will admit, what he professes to be his principle, that the probable acquisition of wealth is one of the justifiable grounds of going to war. You will never allow your Governors to consider the delinquency of their servants and dependencies as one of the sources of wealth.

If, upon the conviction of Mr. Hastings, you should impose a heavy fine upon him, you will do it as a just retribution for his past delinquency. You will not do it as a means of liquidating the national debt; you will impose a penalty, not proportioned to the national distresses, but to his crimes.

Comparison of the case with that of cruelties practised by Spanish Governors in Mexico.

An honourable Manager has told you that, in this case, if Mr. Hastings is not fairly tried, we shall be considered as accomplices in his guilt. He reminded us of the pointed example of the Spaniards. The cruelties of their Governors in India are always imputed to their government at home—not for want of laws; for, without any reflection upon the laws of this country or upon the regulations that this and the other member of the legislature has produced, I will venture to say that in the statute books of this country we have no laws more provident, more attentive to the interests of individuals, than there are in that country to the interests of inhabitants of the Spanish West Indies. There are not provisions more attentive to their prejudices, more attentive to their situation and to those customs that may be either the effect of disposition or the effect of climate. But, in that country as in this, the means of getting money is so easy, the temptation to corruption has been so great, that the Governors there have, as the Governor at your bar here has, oppressed the country to gratify their avarice. There, unfortunately for the people of that country at least, the country at home is despotic; the government is in the hands of a few; the ministers, from a degradation of the nobility of that country, are either foreigners or persons of low extraction. The person next to the minister, sometimes before him, that has the command of the ear of the sovereign, is an officer taken from the lowest orders of the people. With such a government, that the delinquency of that country should have passed unnoticed, should have passed unpunished, is not surprising.

I remember a circumstance, well attested in that country, which shows the effects of despotic power and the advantages of our free constitution. An Italian singer became the favourite of the late sovereign of Spain, and he was the only

16 APR. 1788. channel to preferment. An offer of 20,000*l.* was made to him for his recommendation and interest to the government of Mexico. To the honour of a man, who certainly from his situation was not much intitled to respect, he rejected the offer, from attachment to his master. That country had in fact only the honesty and integrity of such a man as I have described as their security. We, I trust, have more and better security than the integrity of any individual. While this House stands—while this court preserves the character that it has long maintained—there is not a man, either foreign or of this country, that can presume or venture to stain the hand of a minister of this country with a bribe to protect him from a delinquency such as that of Mr. Hastings, affecting our characters, not only as Britons and as men, but as Christians.

My Lords, in perfect confidence that your Lordships will make up by your attention to the evidence for any defect in the manner in which I have attempted to open it to you—and I feel the subject is greater than I am able to manage—in confidence that that attention which you have hitherto paid to me, though unworthy of it, you will continue to give to the evidence, more necessary for your information and for your judgments, I shall now call the evidence.

SPEECH OF RICHARD BRINSLEY SHERIDAN, ESQ., MANAGER FOR THE HOUSE OF COMMONS, IN SUMMING UP THE EVIDENCE ON THE SECOND ARTICLE OF CHARGE, RELATING TO THE BEGUMS OF OUDE; 3 JUNE, 1788.

MY LORDS,—It is wholly unnecessary for me to make a single preliminary observation upon the general matter, or upon the importance of the accusation which the Commons of Great Britain are now maintaining at your Lordships' bar. It is not only unnecessary, my Lords, but it would be an unwarranted intrusion in me to attempt it.

My Lords, the great illustration necessary to your Lordships' information was given to you, at the commencement of this business, by him who alone was equal to that task—by him to whom the world owes the obligation of causing this embodied stand in favour of the rights of man against man's oppression.

My Lords, it would be equally superfluous, if not presumptuous, in me to endeavour to exhort your Lordships to a vigilant and persevering attention to that laborious duty which justice and the constitution exact from every court of British judicature.

My Lords, your Lordships' conduct in this business—if I may be allowed to say so—and more especially in the course of this long, embarrassed and complicated, examination, hath sufficiently declared to the world the sense you entertain of the magnitude of the cause, as well as the respect you bear to the character of your own great tribunal.

My Lords, my plainer task will be, without deviating into any general matter, without entering into any matter of argument or aggravation not strictly connected with the facts before you, to sum up and to observe upon that evidence which your Lordships now hold in your hands, and upon which you have already bestowed so great a portion of your time and attention. And yet, my Lords, if I might be tempted to make any observation upon any previous matter, not strictly connected with the evidence before you,

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The prosecution uninfluenced by personal motives.

My Lords, I do take upon me confidently to say, that, if ever there was a prosecution in any form, public or private, if ever there was a prosecution in any age or country since the name of justice was reverenced in the world, to which there could not upon any principle or any pretence be imputed any base motive of personal malice, or any mean view of personal interest, it is that prosecution which is now supported at your bar. And I do take the liberty, my Lords, confidently to add, that, if ever there were prosecutors who have a claim to this credit, at least with the public, who, managing a cause not their own, but executing a great public trust, however they might err in judgment, yet did act upon a firm, decided and peremptory, conviction of the guilt of the man they accused—the Managers now before you, my Lords, are the men who have a title to that credit from your Lordships and from their country. I say, my Lords, we have a title to the credit of acting upon that conviction, and upon a conviction not lightly or rashly taken up, not born in prejudice and nursed in error, but upon a conviction the result of a laborious and diligent inquiry, upon a conviction founded upon a due deliberation of all the facts and all the evidence on both sides upon which the charge is supported, and, above all, upon a due examination of the defence opposed to that accusation.

My Lords, the Commons of Great Britain have decided, upon deep experience, that some example is necessary to retrieve the character of the British nation in India. They have decided this, speaking for themselves and for their constituents, that this remedy is the only one to which they look. But, my Lords, personal malice or inveteracy is no more to be imputed to the Managers, whom they depute to conduct the prosecution, than it is to the people of England in whose name we claim to be heard. Personal malices! No, my Lords; I can search my own heart and speak for myself--and, speaking so, I am sure I speak the feelings of every gentleman joined with me in this business, and of the

Commons of England in whose presence I speak—I can say that I discharge my mind of any tendency even to such a feeling. So far from it, that the unfortunate gentleman at your bar is scarcely in my contemplation when my mind is most engaged in this business; that it then holds but two ideas—a sincere abhorrence of the crimes and a sanguine hope of the remedy. 3 JUNE 1788.

Justification of severe terms used in the addresses of the Managers.

Having said thus much, my Lords, I think it right also at the same time to say, on the part of the Managers, that they do not understand upon what ground it is claimed or expected that they should depart from the ancient and established practice of the Commons in speaking at your Lordships' bar, especially upon impeachments of this nature—to deliver their sentiments in plain words, and to express in unqualified terms their abhorrence of the crimes they arraign. My Lords, the Commons, or the Managers speaking for them, cannot trifle with their great duty to stand on frivolous punctilios, picking nice terms and circuitous phrases. They cannot understand how they can support charges of deliberate falsehood; of black, premeditated, treachery; of rank oppression; of merciless cruelty; how they can support these charges, my Lords, and use words that can be grateful to the ears of those who are not equally convinced of their truth. The Managers are not either instructed upon what principle it is expected that that guilt should claim peculiar respect, because the wide shame of its effects reach those who arraign it, those who judge and every man who hears the accusation; nor upon what principle any culprit is to expect peculiar and unprecedented tenderness only because he is accused of unparalleled crimes.

Distinction between impeachments for misdemeanors and for capital crimes.

My Lords, the Commons are also led to these reflections by adverting to the distinctions between impeachments for misdemeanors and for capital crimes. They are aware that, in the former case, in impeachments for misdemeanors, it has been, and ever must be, often the hard duty of those who are to support the prosecution to search for matter of bitterest aggravation in the general conduct, in the principles and in the views, of the person whom they accuse.

My Lords, this is not the case in an impeachment for a capital offence; and, if it were, I trust the generous tenderness of man's nature would revolt and reject it. But here, my Lords, the Managers in this case do not find themselves justified in encouraging that tenderness; nor do they find themselves more led to it by considering what they think the

3 June 1788. great disproportion between crimes which they think certain and the eventual punishment. They know, my Lords—and knowing they do not regret—looking to example only and to the condemnation of certain detested, pernicious and intolerable, principles—looking to the condemnation of these from your Lordships' court, they know and do not regret that the utmost penalty the law can inflict, even upon conviction, would be no more than a splendid seclusion from the society the culprit would then have been proved to have dishonoured, and a limited deduction from the spoils of immoderate rapine.

Exhortation to disregard impressions from warmth of language.

My Lords, having said thus much, the Managers are also aware that it is your Lordships' duty—and, when I have said your duty, I know I have said what will be your Lordships' conduct—to separate and lay aside any impression that can arise from harsh words or warm expressions used in feeling that indignation, which if we did not feel we should be unfit to manage this great business. We know it is your Lordships' duty; and, if it were decent or if it were necessary in us, which we know it is not, we should be among the first to exhort, not only your Lordships, but the public and every person who hears us, to make that distinction, claiming the effect of no impression from any mode of conducting this business, from any expressions or from any arguments but what are founded on plain fact, truth and evidence, and upon that mature and fair aggravation which, upon an impeachment of misdemeanors, it is just and proper to go into respecting the general principles, the views and conduct, of the person accused.

Necessity of remedy by example for India.

My Lords, I have said this much respecting the spirit and temper of this prosecution. I have also stated to your Lordships that the Commons still consider some remedy by example necessary; that, notwithstanding the various remedial acts which they have passed and in which your Lordships have joined, notwithstanding the solemn addresses to the Throne, in which also your Lordships have joined, the Commons, expressing their regret and pity for the miseries of India, and their abhorrence of the crimes that have caused them—that they still, my Lords, are every day more confirmed in that judgment. They think that the people of India do not believe the people of this country in earnest; they feel that there is a despair of British justice in India.

My Lords, I will not even make that assertion without recurring to proof in evidence; and I shall first, as a preliminary matter in evidence, submit to your Lordships'

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consideration the impression which the state of the country seems to have made upon Lord Cornwallis in his last despatches.

Letter of Lord Cornwallis on the state of Oude.

My Lords, Lord Cornwallis, writing on the 16th of November, 1787, from this very country of Oude, of which your Lordships have heard so much, and of whose miseries and calamities you have heard so much, expresses himself thus :—

"I was received at Allahabad and attended to Lucknow by the Nabob and his Ministers, with every mark of friendship and respect. I cannot, however, express how much I was concerned, during my short residence at his capital and my progress through his dominions, to be witness of the disordered state of his finances and government, and of the desolate appearance of his country. The evils were too alarming to admit of palliation; and I thought it my duty to exhort him in the most friendly manner to endeavour to apply effectual remedies to them. He began with urging as apologies——"*

Here, my Lords, is the truth; that, whilst he was not certain of the extent of our demands upon him, he had no real interest in being economical in his expenses; and that, while we interfered in the internal management of his affairs, his own authority and that of his ministers were despised by his own subjects.

Evidence of Capt. Kirkpatrick on the discredit of the English in Scindia.

My Lords, the next short passage I shall read to you is an extract of a paper intitled, "A Succinct View of the state of the Political Connections subsisting between Madajee Scindia and the British Government of India, enclosed in Captain Kirkpatrick's letter to Lord Cornwallis, dated the 20th of July, 1787":—

"Such is the impression which our former character and policy have left on the minds of the natives that, notwithstanding the many proofs which our more recent conduct has furnished of our being at present directed by a very different spirit, I am persuaded that neither he (Scindia) nor any other Hindostan potentate gives me credit for sincerity in the declarations which we have latterly made on the subject. Time no doubt might subdue this obstinate incredulity; but who can certainly say that we shall adhere long enough to our present moderate system for the purpose of enforcing this belief?"*

Proof of the sincerity of our Government given by the prosecution.

Now, my Lords, it is to persuade your Lordships to give an answer to this letter enclosed to Lord Cornwallis—an answer, not by words, but by actions; to remove this obstinate incredulity; to convince them that this moderate

* Printed in the "Minutes of the Evidence," p. 661, and in the "Appendix to the Second Article of Charge," p. 257.

† Printed, as above.

3 JUNE 1788. system will be persevered in; to convince the people of that country that they need not dread the prosperity of their sovereign; to convince the sovereign that he may nourish and love his subjects with safety, that he need not deprecate the growing prosperity of the people whom he reigns over, that he need not fear the accomplishment of the toils of humble and of laborious industry, that he need not sicken at the sight of the fertility of his own land, imagining that he sees in all these circumstances only baits and lures to the increasing progress of British rapacity; it is to give this assurance that the Commons pursue this matter. It is to convince the people of that country that we are really in earnest; that your Lordships join us in being in earnest; that you are determined to check the progress of that audacious spirit of corruption and rapacity which has desolated those provinces and oppressed this wretched people; that you are determined to check it by the only means by which oppression or tyranny can be checked or awed—the example of punishment for past delinquency.

Conviction not sought without full proof of guilt.

However, when I have said this, I trust your Lordships will not believe that, because something is necessary to retrieve the British character, we call for an example to be made without due and solid proof of the guilt of the person whom we pursue. No, my Lords; we know well that it is the glory of this constitution that not the general fame or character of any man—not the weight or power of any prosecutors—no plea of moral or political expediency—not even the secret consciousness of guilt which may live in the bosom of the judge—can justify any British court in passing any sentence, to touch a hair of the head or an atom in any respect of the property, of the fame, of the liberty, of the poorest or meanest subject that breathes the air of this just and free land. We know, my Lords, that there can be no legal guilt without legal proof; that the rule which defines the evidence is as much the law of the land as that which creates the crime. It is upon that ground we mean to stand.

Nature of the evidence produced.

I come now, my Lords, to speak of the evidence which the Managers are to bring before you in this cause. What are the persons, or what is the nature of the testimony, upon which we depend? Have we, my Lords, any of the injured parties themselves, complaining and calling for redress at your Lordships' bar? My Lords, we have not. But,

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besides the natural and insurmountable obstacles to such a claim, we trust that your Lordships will not think it just cause to withhold justice or mercy to the injured, because their subdued hearts have not the courage even to hope for redress.

My Lords, have we any persons who are themselves witnesses of those transactions, and who, provoked with a generous indignation, have offered their services to conviction, and have called for the prosecution? My Lords, I wish, for the credit of the British character, that we had: we have none such. Have we any persons who are accomplices in the crimes, but who, stung with a late remorse, which often atones and expiates guilt, have endeavoured to bring to justice those by whom they were misled? I wish, my Lords, for the credit of conscience, that we had: we have none such. Have we, in our written evidence, any documents or papers which chance or fortune has thrown in our way? My Lords, excepting in a single instance, I believe we have nothing of the sort. We know of much which craft has suppressed, and little that carelessness has revealed. My Lords, our witnesses, with exception only of some gentlemen whom I shall distinguish at the proper time—of the witnesses on whom we principally rely—are persons whom we must plainly rank as unrepenting accomplices in the crimes of the man we accuse—as the bosom partners of all his foul mysteries: and, with respect to our written evidence, it consists of the recorded accounts of his own transactions, such letters as he has thought fit himself to produce, and his own written defences against our accusations. Having said this, I think it extremely possible that your Lordships may imagine that I am begging indulgence and allowance for weak and incompetent evidence. No, my Lords; I will be bold to say that there is now before you, upon this charge, a mass of full, complete, competent, evidence—strong as ever abashed the confidence of courageous guilt, or brought conviction home to the hearts of conscientious judges. My Lords, without further preface, I shall proceed to the test of that assertion.

Evidence from Mr. Hastings' Defences given to the House.

My Lords, the first matter of evidence which the Managers naturally produced at your Lordships' bar was the Defences given to the House of Commons by Mr. Hastings himself. My Lords, the Managers know that, according to strict law and established practice, there was not any better

3 JUNE 1788. human testimony than the evidence of a person accused against himself, where it is not drawn forth by any inducement, any threats, or any ill-founded hope held out to him in order to induce him so to deliver it. For there the merciful jealousy of the law interferes, and will suffer no man to be deluded unto his own hurt, or allured into a confession he did not otherwise intend to make. Under this principle, the Managers were aware that the best of all possible evidence was this; for the best of all possible reasons, because it is that which is the most likely to be true and the least likely to be fallacious. If this evidence is written—if it be given upon deliberation—if it be given voluntarily—if it be given before some court of competent authority to receive it—it is of still additional weight.

Attempt of the Counsel to invalidate the evidence of the Defences.

My Lords, under these circumstances, the Managers certainly never did conceive that, when they produced these Defences at your Lordships' bar, that extraordinary attempt which I must now take notice of should have been made—but, to my surprise, it was made—by the Counsel; I mean to endeavour to invalidate it, and to distinguish between this testimony, and to show that there were many parts of it which were not worthy your Lordships' attention. I say I was surprised that the Counsel should make that attempt; for I own I did expect that, when this unfortunate gentleman had escaped from his own rash guidance, he would have been better advised than, at the outset of this business, to give your Lordships' at once, as it were, a clue into the nature of his mind, and into the nature, as it were, and means of understanding those sorts of tricks and shifts which, in long habits of successful imposition, he had resorted to to stifle inquiry or to avoid detection. The attempt, however, was made. I shall show your Lordships the character given by Mr. Hastings himself of this Defence to the Commons, when it was delivered in. Mr. Hastings says:—

"Of the discouragements to which I allude, I shall mention but two points; and those it is incumbent on me to mention, because they relate to effects which the justice of this Honourable House may, and I trust will, avert. The first is an objection to my being at all personally committed in my Defence, since, in so wide a field of discussion, it would be impossible not to admit some things of which an advantage might be taken to turn them into evidence against myself: whereas another might as well use, as I could, or better, the same materials of my Defence, without involving me in the same consequences."

He shows here that he was aware of every possible difficulty under which he then laboured, and of every objection which could be made to him:— 3 June 1788.

"But I am sure that this Honourable House will yield me its protection against the cavils of unwarranted inference; and, if the truth can tend to convict me, I am content to be myself the channel to convey it."*

Undoubtedly your Lordships will protect him from the cavils of unwarranted inference—from unwarranted inference from your Lordships I presume he does not need protection—but with this condition:—he states that he is aware of the difficulties; that, if the truth can tend to convict him, he is content to be himself the channel to convey it.

"The other objection (he says) lay in my own breast. It was not till Monday last that I formed the resolution, and I knew not then whether I might not in consequence be laid under the obligation of preparing and completing in five days (and in effect so it has proved) the refutation of charges which it has been the labour of my accuser, armed with all the powers of Parliament, and at one time greater, to compile during as many years of almost undisturbed leisure. But I knew myself equal to the undertaking, and I now only revert to my difficulties that the consideration of them may bespeak the candid allowance of this Honourable House,"—for what my Lords?—"for any inaccuracy or anything defective which may appear in my Defence; but I claim no other indulgence on that account."

These words are, my Lords, admitted by Major Scott, and proved to have been entirely written by Mr. Hastings himself. And what are we to think of the man, my Lords, who shall call upon his Counsel, when he finds this Defence has failed—when he finds that it has not answered the purpose which he brought it for to the Commons; who shall call upon them to deny that he is to be bound by it; who shall call upon them to prove that he was not equal to the undertaking—that he does call for more indulgence than for inaccuracy, and denies that he is bound by the truths that are contained in that Defence? that the Counsel should have thought they gave your Lordships a good specimen of the plain dealing of their client by this conduct so early in the business—to give your Lordships a pledge of the proof of his respect for one House of Parliament by an avowed contempt of

* "Minutes of what was offered by Warren Hastings, Esq., at the Bar of the House of Commons," &c.—Printed by Debrett, p. 8.

3 JUNE 1788. the other. But as the attempt was singular so was the attempt we heard at your Lordships' bar. There was something ludicrous in the nature of it; though the operation, if such a defence could be countenanced, would be serious indeed. Major Scott comes to your bar—describes the shortness of time—represents Mr. Hastings, as it were, contracting for a character—putting his memory into commission—making departments for his conscience. A number of friends meet together; and he, knowing, no doubt, the accusation of the Commons had been drawn up by a committee, thought it necessary, in point of punctilio, to answer it by a committee. One furnishes the raw material of fact; the second spins the argument; and the third twines up the conclusion. While Mr. Hastings, with a master's eye, is cheering and looking over this loom, he says to one,—"You have got my good faith in your hand—you my veracity to manage. Mr. Shore, I hope you will make me a good financier. Mr. Middleton, you have my humanity in commission." When it is done, he brings it to the House of Commons, and says,—"I was equal to the task. I knew the difficulties, but I scorned them. Here is the truth; and, if the truth will convict me, I am content myself to be the channel of it." His friends hold up their hands, and say,—What noble magnanimity! This must be the effect of conscious innocence. It is so received: it is so argued upon: it fails of its effect.

Then says Mr. Hastings,—"That my Defence! No,—mere journeyman's work: good enough for the Commons, but not fit for your Lordships' consideration." He then calls upon his Counsel to save him:—"I fear none of my accusers' evidence. I know some of them well. I know the weaknes of their memory, and the strength of their attachment. I fear no testimony but my own. Save me from the peril of my own panegyric: rescue me from that, and I shall be safe." Then this is brought to your Lordships' bar; and Major Scott gravely answers that Mr. Hastings did, at the bar of the House of Commons, vouch for facts of which he was ignorant and for arguments which he had never read.

After such an attempt, stating the evidence (as undoubtedly it is) to the full as extraordinary as the Defence itself, we certainly are left in doubt to decide to which set of his friends Mr. Hastings is the least obliged—those who assisted him in making his Defence, or those who advised him to deny it.

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Mr. Hastings' second Defence before the House of Commons to be taken as evidence.

But, when we have established this Defence, we then press to your Lordships' consideration what is called a second Defence of Mr. Hastings before the House of Commons.* And here, my Lords, the Managers did conceive that, whatever other distinction might have been taken upon this second Defence, as it was written twelve months after the first, at least we should not hear the plea of its having been written in a hurry. But, however, Major Scott, upon being asked the question, says,—"Undoubtedly the second Defence was written in a very great hurry. Mr. Hastings began it very early one day, and it was done by four or five o'clock in the afternoon of the next day." But we did argue this Defence, and do insist upon its standing on the same ground, and do maintain that it was written for the same purpose, as the first Defence—namely, that it was addressed to the House of Commons, and meant to influence their judgment. Although the Counsel have attempted a distinction in the second Defence, yet Major Scott is distinct in his evidence upon this—that it was the intention of Mr. Hastings to give information to such members of the House of Commons as wanted information; which at first he said were about fifty, but afterwards he limited them to six or seven, whom alone he thought worthy of the information this Defence contained. This being the effect of deliberation, and being, as it styles itself, a real state of the transaction in Oude—as if in contradistinction to the other Defence, which it rather sneers at, as it were, as a false Defence—I take for granted the fact is so. But what is the purpose of establishing that fact I am at a loss to determine. For I do not suppose it to be taken for granted, that, when Mr. Hastings speaks in a hurry, he necessarily speaks falsehood; as if the truth lay deep, but the falsehood came of course; as if to shape a truth required labour, pain and caution, but, when he is off his guard, the falsehoods float on the surface and come of themselves all at once. I don't suppose that is the doctrine with respect to Mr. Hastings' writing or speaking which they mean to maintain. Therefore I do, on the part of the Commons, claim the advantage of all the matter contained in these two Defences; which your Lordships will observe were not confessions of guilt, upon which some argument of appeal to

* The Second Defence, entitled "The Real State of the Facts contained in the Fourth Article of Mr. Burke's Charge," &c., is printed in the "Minutes of the Evidence," &c., p. 362. It is there followed by the examination of Major Scott as to the composition of both Defences, referred to by Mr. Sheridan.

3 JUNE 1788. generosity might be founded, but were denials of the charge, and, in fact, claims to merit and applause, for these very acts we were arraigning. We say we claim the right of referring to both those Defences, upon the ground upon which all evidence of that sort is referred to—that we claim the advantage of all the wicked admissions in either of them, and of all the foolish contradictions between the two.

My Lords, having said thus much, which I thought it necessary to say to your Lordships, with respect to these two papers, which the Managers will often be obliged to have recourse to in the course of this business, I come now to the evidence which relates more directly to the matter of the charge.

Prejudices of people of India with respect to their women.

My Lords, the general subject of this charge was so ably and so amply opened to your Lordships by the Managers who went before me in this business, that it will save me much time and much necessity of intruding upon your Lordships' patience with respect to many of the preliminary matters. My Lords, the Managers did think it necessary to lay before your Lordships, in as authentic a manner as possible, the subject which relates to the peculiar prejudices of Indian persons of rank with respect to their women. They thought this particularly necessary, because it was scarcely possible for an European mind to imagine the weight and consequence of the prejudices of the people upon this subject. They have brought before your Lordships—besides Sir Elijah Impey's testimony, and other written documents—the evidence of Mr. Hastings himself upon this subject; which is all that I shall think it necessary to read to your Lordships, in order to revive in your Lordships' minds and to remind you of the great weight that is due to, and the absolute necessity of having in your Lordships' contemplation, the prejudices of the country upon this subject—their sacred respect to women.

Mr. Hastings says, in January, 1780:—

Extract from letter of Mr. Hastings on the subject.

"To those who are acquainted with this country and the character of its natives it is well known that, among the stubborn and immutable usages of a people who by an unheard-of policy are thus attempted to be dragged within the pale of our laws, there are not any that are so intimately blended with their natures—so interwoven with their very existence—and a force upon which were therefore so likely to drive them to desperation, as those which regard their women—a reason for which, we presume, you will think with us that policy and humanity should in all situations respect them. And yet, with equal wonder and alarm, we have recently seen the mandatory process of the court directed to a

woman of the highest cast and rank (the Rannee of Rajeshahee), who possesses in her own right the first great zemindary in these provinces. You will permit us to draw your attention for a moment to the certain consequences of this proceeding, if that management had not been employed to avoid them which we cannot hope will always succeed. 3 JUNE 1788

"Secluded as women of her superior rank are, and equally ignorant of the language and purpose of the process, it were to a certainty disobeyed. The court adhering to its rules, a *capias* follows; the execution of which is probably committed (as in the case that occasions this representation) to a band of armed ruffians. Her house is pillaged; her temples polluted; the most secret recesses of her family violated; and that sanctity of character trampled upon, which throughout the east, even in times of fiercest hostility, the most barbarous nations revere in woman. Happily in this case these things have not all occurred. But, as the indelible dishonour of a public exposure, and that inexpiable pollution from the insufferable sense of which, according to their mode of thinking, there is no refuge but in death, would have followed if the plaintiff had not been persuaded to withdraw his action, we state this as another of those cases to which we are confident that a feeling and enlightened nation could never have intended to stretch the authority of its laws."

Sacredness of the zanana.

After this testimony, it would be unnecessary to remind your Lordships of the manner in which it is corroborated by Sir Elijah Impey, by other persons and by other written documents, who all expressly stated that a threat to expose or to draw from a zanana by force, or by any means indeed, a woman of high rank, is a species of the most cruel and severe torture, and in fact adequate to a sentence of death. Your Lordships will perceive hereafter the occasion I shall have to remind you of these preliminary observations.

It is too much, I am afraid, the case that persons used to European manners do not take up this sort of considerations at first with the seriousness that is necessary. For your Lordships cannot even learn the right feeling of the prejudices on those subjects from any history of other Mohammedan countries, or the Turks, who are a mean and degradedrace in comparison with many of these great families, who, inheriting from their Persian ancestors, preserve a purer style of prejudices and a loftier superstition. Women there are not as in Turkey. They neither go to the mosque nor to the bath. It is not the thin veil alone that hides them; but, in the inmost recesses of their zanana, they are kept from public view by those reverenced and protected walls which, as Mr. Hastings and Sir Elijah Impey admit, are held sacred even by the ruffian hand of war or by the more uncourteous hand of the law. But, in this situation, they are not confined from a mean and selfish policy of man—not from a coarse and sensual jealousy. Enshrined rather

3 JUNE 1788. than immured, their habitation and retreat is a sanctuary, not a prison. Their jealousy is their own jealousy—a jealousy of their own honour, that leads them to regard liberty as degradation, and the gaze even of admiring eyes as inexpiable pollution to the purity of their fame and of their honour.

Treasures lodged in the zanana considered beyond the reach of resumption.

Such being the general opinion—or prejudices let them be called—of this country, your Lordships will find that, whatever treasures were given or lodged in a zanana of this description, must, upon the evidence of the thing itself, have been placed beyond the reach of resumption. To dispute with the Counsel about the original rights to these treasures! to talk of a title to them by the Mohammedan law! Their title to them is the title of a saint to the relics upon an altar, placed there by piety, guarded by holy superstition, and to be snatched thence only by sacrilege.

Filial duty highly regarded in India.

My Lords, if such was the general respect due to women —and your Lordships will also perceive, mixed with this evidence, matter, which I think it is unnecessary now to dwell upon, respecting the peculiar homage and feelings of filial duty which are eminent in that country from sons towards their parents—your Lordships will also find strong distinctions and particular motives by which the mother of the present reigning Nawab had peculiar claims for everything that gratitude, duty and filial affection, could bestow, from that son.

My Lords, I shall for ever quote Mr. Hastings wherever I can. There is a passage in a letter of Mr. Hastings, of the 3d of April, 1778, in which there is this paragraph:—

> "The duty of children towards parents is enjoined by all laws, and the breach of it condemned by all nations. This is a general obligation, which is binding on all mankind; and the Bow Begum, exclusive of her maternal right, has a particular claim to your Excellency's affection and kindness, as you owe to her intercessions with the late Nabob, not only your elevation to your present greatness, but a still more valuable blessing."*

The Nawab's elevation due to the intercession of his mother, the Bow Begum.

My Lords, the two allusions made here by Mr. Hastings have been explained by evidence at your Lordships' bar. My Lords, it is a known fact, and recognised by Mr. Middleton himself, that at the battle of Buxar, when Suja-ud-Dowla, the father of the present Nawab, was defeated by the English arms, and afterwards driven from that kingdom

* Letter to the Wazir.—Printed in the "Minutes of the Evidence," p. 422, and in the "Appendix to the Second Article of Charge," p. 7.

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which their politic generosity afterwards restored to him, this woman, the present Princess, the mother of Asoff-ud-Dowla, flew instantly to his relief with all the treasures hoarded in this zanana. I said indeed with the treasures; Mr. Middleton corrected me. He said she brought jewels and valuables to him, which were converted into treasure—that is, she brought the former pledges of his affection, the baubles, the things he had given her in the early hour of his fondness and attachment. Suja-ud-Dowla, though a man of a fierce and savage nature, was struck with this obligation in the way in which I believe the heart of every man but one would have been struck with obligation in distress—that from that hour he reverenced her and paid her peculiar attention and affection. The use she made of this influence was, as Mr. Hastings admits, to procure the succession for her son, the present Nawab. The expression which Mr. Hastings makes use of—"You owe to her intercession, not only your elevation to your present greatness, but a still more valuable blessing"—alludes to another circumstance, also recognised by the witness at your Lordships' bar. Once, in a fit of savage rage, Suja-ud-Dowla struck with a scymitar at his son, the present Nawab. The mother threw herself between them, and, receiving the wound and bathing her trembling son with her blood, saved him from the fury of his savage father. This is the obligation Mr. Hastings alludes to. Thus circumstanced, I think I may say—if I may be pardoned even for thinking it possible that nature can borrow any obligation or claim from fortune to the affections of a son—that this woman had every claim from this son. She had given him life; she had raised him to a throne; she had enriched the crown she had bestowed; she had preserved the life she had given. Such was the relation between this mother and this son.

The Nawab's life saved by his mother, the Bow Begum.

Your Lordships will shortly also see the situation in which, previous to the treaty of 1775, this Princess stood with respect to Mr. Hastings. She writes to him:—

The Bow Begum left by the late Nawab to the protection of Mr. Hastings.

"I went to the Nabob when the hour of his death approached, and asked him to whose charge he left me. He replied—'Apply to Mr. Hastings whenever you have occasion for assistance; he will befriend you when I am no more, and will comply with whatever you may desire of him.'"*

She shows her sense and her confidence of this protection by, a short time afterwards, appealing to him, saying—"I swear,

* Printed in the "Appendix to the Second Article of Charge," p. 5.

JUNE 1788. by all the saints, that I have no hopes of obtaining the accomplishment of my wishes but in you. The world affords me no other protector." These were the situations, my Lords, in which, previous to any pledging of the public faith, this Princess stood with respect to the Nawab and with respect to her protector, Mr. Hastings. There certainly was every claim to protection, to justice and to pity; her age—her rank—her sex—the death-bed recommendation of a man he called his brother—her implicit confidence in the protection of the English, which is in itself a claim and title to that protection. Yet it is my hard duty to show your Lordships that every one of these claims, without one single just ground, were broken through; with circumstances of the most atrocious conduct, with the most barefaced deliberate falsehood, with the vilest frauds, with cruelty the most unmanly and unmerciful; that, as the action itself was shocking, they took the only way they could take to make it blacker than in its nature it was—by making this son the instrument of oppression against this mother. That they did it against his will I shall prove to your Lordships, in a way that I think will abash the Counsel for ever having maintained the contrary—that they usurped upon the rights of a prince, to force him to violate the laws of nature. They made him a slave, to compel him to become a monster; they forced a dagger into his clenched hand and pointed it to the bosom of his mother. My Lords, these are the facts, this is the high crime and misdemeanor, which the Commons now prosecute, and hope they shall receive your Lordships' judgment upon, against this great offender.

Every claim of the Bow Begum to protection broken through by Mr. Hastings.

The treaties of 1775.

My Lords, it will not be necessary for me to detain your Lordships long upon the subject of the treaties of 1775. They are in some respect so much admitted in the Defence put in before your Lordships by the prisoner, that, excepting for some circumstances where he has drawn most unwarranted inferences, I shall pass them almost by, after the manner in which they were opened and referred to by the gentleman who first opened this business.

Letter of Mr. Bristow on the disputes between the Bow Begum and her son, Asoff-ud-Dowla.

On the 8th of November, 1775, Mr. Bristow writes word to the Council that there are great disputes between the Bow Begum, the mother of Azoff-ud-Dowla, and her son, the Nawab. The English are then pressing the Nawab for the payment of large sums of money: and your Lordships will be so good as to bear in your mind, through the whole of this, that the money which is pressed and demanded from

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the Nawab, whether from the jagirs or from the treasures, is always for the purpose of the English. Mr. Bristow, in order to gain merit with the government, by the only way in which any of their servants ever did or seem ever to have thought to gain credit with them—the procuring considerable booty for them—writes word that he had left no means untried to persuade the Begum to consent to lend her son a considerable sum of money. It will here appear—as it does not before; because there was no transaction upon the subject before between the Begum and the Council—that she had, upon her son's coming to the throne, lent him considerable sums of money, for which the Nawab had given her landed security, and that she was in possession of that security at the time of the commencement of the treaty of 1775. In the course of this, Mr. Bristow says that he argued so and so with her—"and I further insinuated to her that the treasures she possessed were the treasures of the state, as she had not succeeded to them by any legal right, and that they had been hoarded up to provide against any emergency." Your Lordships will perceive, from the circumstances I have just related, that there was at least a great probability that Suja-ud-Dowla would have been munificent to this woman, who had once shown him the good purpose to which she could apply her treasures; that he left her an immense family, to the amount of two thousand women and children, under her care or connected with her. And also your Lordships will recollect that to the present Nawab, whom he would not have raised to the throne, and whose life even he would not have spared, it is not extremely probable that he would be very liberal, if he had made a will, in bequeathing treasures to him. However, Mr. Bristow says he suggested that the treasures she possessed were the treasures of the state: and I beg your Lordships to observe that, through the whole course of this business, this is the only and single passage upon which Mr. Hastings or any other person has ever built an argument or supposition that these treasures were the treasures of the state. It is garbled in the quotation in his Defence in the House of Commons, leaving out "I insinuated;" and he states that Mr. Bristow asserted them to be the treasures of the state, when he is stating only that he insinuated that they were the treasures of the state; and, upon this single expression, Mr. Hastings, contrary to his own opinion—contrary to the opinion of the whole Council—contrary to the opinion of

Loan of money from the Begum to her son, the Nawab.

Suggestion of Mr. Bristow to the Begum that her treasures were state property.

3 JUNE 1788. the Nawab himself—has ventured to persevere in maintaining that those treasures are the treasures of the state: and, to my utter surprise too, the Counsel seem to adopt the same notion, and to fancy that they shall be able to make out that as part of their argument before your Lordships.

The Begum's consent to a further loan to the Nawab.

After much difficulty, Mr. Bristow brought this negotiation to bear. He says,—"The Begum not only grants the Nabob this sum, but gives up to him twenty-six lacks; for the repayment of which she had security in land." This matter being settled, the money, or the greater part thereof, was to go to the Company. It is concluded, in a treaty signed by Mr. Bristow as guarantee on the part of the English Company*—it comes nearly to 600,000*l.* altogether—that the Nawab, upon receiving above 300,000*l.* at that time, and 26,000*l.* of the former loan which the securities were returned to him for, should renounce all claim: it not appearing indeed that he ever had claimed them as the treasures of his father; but, whatever his pretended title or disputed claim was, that it should be silenced—extinguished for ever. And that treaty is, as your Lordships have observed, settled in words as strong as can be used, and confirmed by an attestation as sacred as can possibly be given under any human sanction whatever. The Board write, upon the 8th of November, that they approve and confirm the treaty. The treaty accordingly is executed. I will not trouble your Lordships with reading it. It recapitulates the former sums, and ends with saying—"My mother is at liberty to act as she pleases therein. She is the master." He gives in a schedule a list of all her jagirs guaranteed by Mr. Bristow:—

Renunciation by the Nawab of all claim on the treasures.

The treaty confirmed by the Council.

"For the observance of all these articles I give God and his prophet, the twelve imauns, the fourteen maussooms. And the English chiefs are joined in this engagement. Further, I will not in future demand any loan from my mother. I have no claim on her. Nor will I ever deviate from this engagement. Should I act contrary thereto, it may be supposed that I am estranged fron the English chiefs and the Company. I have accordingly given this coulnamma to remain as a voucher."

Mr. Bristow's guarantee is in as forcible words, recapitulating the transaction, and ending with saying,—

"The English chiefs are guarantees for the observance of these articles. No one shall molest her when the Begum goes on a pilgrimage; no person shall obstruct or hinder her: and the Begum is sole mistress of

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* Printed in the "Minutes of the Evidence," p. 442.

her own people. No one shall make any demand on her eunuchs or women: she is at liberty to act as she pleases with respect to them. When the Begum goes on her pilgrimage, she may leave the charge of her jagirs, &c. to whomsoever she pleases. The English chiefs are guarantees of this." 3 JUNE 1788.

Part of the loan to be received in goods.

My Lords, this was the treaty that was then executed. It was a part of the stipulation in this treaty that the thirty-four lacs should not all be paid in money, but that the Nawab should be obliged to receive ten lacs of that sum in goods. And this, though it does not seem a material circumstance, is so far material that it is upon this dispute alone that Mr. Hastings afterwards grounds an argument and an assertion that the Council—Mr. Francis, General Clavering and Colonel Monson—considered the whole of the treasures as the treasures of the state. In the course of delivering those goods which the Begum stipulates the Nawab should take—and not, as Mr. Hastings falsely states, in his Defence before the House of Commons, that Mr. Bristow and the Nawab had seized her goods: for he quotes it there as if he had found a precedent in point for his own conduct in 1781—she stipulates that she should have the indulgence of making part of the payment in goods. Mr. Hastings quotes that transaction as an exact precedent for forcibly seizing the whole of her goods and treasures in 1781. A dispute arises upon the delivery of those goods. Part of the articles the Nawab alleges are not her property; for he says, some of them were military stores—elephants and camels, and things which he states not to have been in the custody of her steward or consuma, nor to have been found or kept in the zanana. These he therefore claims as his property: not the treasures—not a word of it; "But these particular articles," he says, "I will not take in payment, because they are my goods, not yours." Upon this a dispute arises. Mr. Bristow writes to the Board; he says,—

Part of the goods offered claimed by the Nawab as his own property.

"Respecting the treaty with the Begum, I have had many letters from her, complaining of its not being abided by, and that the Nabob does her great injustice in disputing her rights to effects which she wants to deliver to him. But he asserts them to be his property, as they were under the charge of his consuma, and only deposited in one of the buildings adjoining to the Begum's palace. He says he acknowledges her right to anything in trust with her own servants; but all the other effects belong to him."*

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* Printed in the "Minutes of the Evidence," p. 443.

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The Begum's appeal to Mr. Hastings on the subject of the goods.

This dispute continues; and at last the Begum writes a very strong and pathetic remonstrance to her protector, Mr. Hastings. Mr. Hastings, your Lordships will perceive, was at this time a strenuous advocate for the rights of the Begum against the claims of the Nawab; and I am sure your Lordships will hear with astonishment that Mr. Hastings afterwards, in his Defence before the House of Commons, asserts that he was always a friend to the Nawab's claim, and always thought that he had a just title to the whole of the treasures. Mr. Hastings, however, lays this letter before the Board. She says, if she cannot get redress that she cannot remain at Fyzabad; that she wishes him to send a person there,—

"To remove the mother of the late Nabob, the elder Begum, and myself, and 2,000 of the women and children of the late blessed Nabob, together with the women of the Nabob Burhan-ul-Mulck, and those of Sufdar Jung from this city, that we may reside with honour and reputation in some other place."

She states too with simplicity, but certainly with truth:—

"In the Nabob's lifetime (Suja-ud-Dowla) he was possessed of no more than a single soubah, and the dues of the English chiefs were paid out of the revenues of it, as also the expenses of his army and his own. At present that the soubah is increased to three times its former extent what becomes of the revenue? No one thinks of making this inquiry, but sums are continually taken from us helpless women."

She then recapitulates the dispute, and says it respects goods, elephants and camels, and that all she possesses is from the bounty of the late blessed Nawab; and complains that the Nawab should doubt her right to these goods.* Mr. Hastings at this time, mindful of the dying recommendation of his former friend and of the protection which he owed to this helpless Princess, asserts her right, and lays this letter before the Board. The other members of the Council desire that he will give his opinion first. And now your Lordships will learn here what that opinion was:—

The right of the Begum advocated by Mr. Hastings at the Board.

"I should have been better pleased on such a subject to have concurred in the resolution which the other members of the Board might have thought it proper to pass, in consequence of the present remonstrance, than to offer my separate opinion upon it in the uncertainty whether it would be adopted. All my present wish is that the orders of the Board may be such as may obviate or remove the discredit which the English name may suffer by the exercise, or even the public appearance, of oppression on a person of the Begum's rank, character and sex. Had the

* Printed in the "Minutes of the Evidence," p. 445.

Nabob chosen to have made use of the means with which his own power alone supplied him to exact money from the Begum, his mother, this government would have wanted a pretext to interfere in her behalf; but as the representative of our government has become an agent in this business, and has pledged the honour and faith of the Company for the punctual observance of the conditions under which it was concluded, we have a right to interfere, and justice demands it, if it shall appear that these engagements have been violated, and an injury offered to the Begum under the cover of the authority by which they were contracted." 3 JUNE 1788.

He then proposes that a letter shall be written to Mr. Bristow, commanding him to remonstrate with the Nawab against the seizure of the goods as his own original property. These goods—not the treasures lodged in the zanana—not the treasures in the custody of her own consuma—but goods admitted by Mr. Bristow to have been out of her custody, out of the zanana, and certainly standing upon a ground that might admit of an equivocal title,—"Which," continues Mr. Hastings, "he received from his mother in payment of the eleven lacs stipulated to be so made—to insist on the Nabob's receiving them in payment,"* and so on. Sir John Clavering gives his opinion upon this subject. He says, he thinks the Nawab should be informed of the representation which had been made to this government, and a copy of her letter sent to him; but agrees with Mr. Hastings that the Nawab should be obliged to receive these goods as the goods of the Begum:— Opinions of Members of the Council on the Begum's right to the goods.

"I join with the Governor General in thinking that the goods which the Begum has delivered should be appraised, and whatever their value may appear to be under eleven lacs, which the Begum engaged to pay, she ought to be made acquainted with the difference; for it was on the full accomplishment of her promise that Mr. Bristow's guarantee was to have its effect."

Therefore here is Sir John Clavering perfectly agreeing with Mr. Hastings in the principle that the treasures in the zanana and possessed by the Begum were her own, and that even the Nawab had not a just claim to these disputed goods. Colonel Monson's minute follows. He says, he thinks that "as she succeeded to the Nabob's wealth, it is just she should discharge the demands due for those services by which she is the principal gainer," but, when he comes to speak upon the present dispute, he says,—"the Vizier's estate has not been divided according to the usual custom of Mohammedan Princes. The present dispute turns upon the

* Printed in the "Minutes of the Evidence," p. 448.

3 June 1788. value of goods, elephants and camels. I do not conceive, according to strict justice, these effects to be the Begum's property; as I understand women can claim a right only to what is within the zanana." Mr. Francis follows, and he seems to think, with Colonel Monson, that the Nawab has some claim to those effects in question. "I am inclined to think, with Colonel Monson, that women can claim a right only to what is within the zanana."

The Begum's right to the treasures in the zanana not questioned in the dispute.

Here your Lordships see that, upon the general subject of the right to whatever there is within the zanana, there is not the slightest difference of opinion; that they never support in the smallest tittle the Nawab's claim, nor the Nawab himself, for he admits whatever is within the zanana to be the property of the Begums. Mr. Hastings asserts more, that even those goods out of the zanana were also hers. Colonel Monson, Sir John Clavering and Mr. Francis, all agree that whatever is lodged within the zanana does of right belong to the Begum; they accordingly adopt the opinions of Mr. Hastings, or very nearly his opinions, upon this subject, and upon his motion a letter is written.

Contradiction by Mr. Hastings, in his Defence, of his former opinion.

Mr. Hastings, in his Defence before the House of Commons, gives these two short accounts, which, in order to give your Lordships a sort of insight into the manner in which this gentleman thinks himself authorised to contradict his former recorded opinions and conduct, I shall read to your Lordships.

> "Mr. Bristow was right in his assertion that the treasures of which the Begum was in possession were the property of the State"—

Mr. Bristow, your Lordships observe, having never made any such assertion—

> "The Nabob had a double right to reclaim them, both as his lawful inheritance, and as a trust officially committed to her custody, for which she was especially accountable to him as her sovereign, and the representative of her former sovereign, from whom she had received them. As Mr. Bristow chose to interest himself in reclaiming the Nabob's rights, he ought to have asserted them effectually, and, had he done so, the magnitude of the service which he would have rendered by it to the Nabob, his immediate employer, and to the Company, who would have been eventually benefited by it, would have largely overbalanced the irregularity of the mode, and entitled him to applause instead of censure." *

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* The Second Defence of Mr. Hastings.—Printed in the "Minutes of the Evidence," &c., p. 363.

My Lords, would you believe it possible that this can be the sentiment or opinion of the same man? or would you believe it possible of any man? This is one of those detestable and abominable doctrines which, if your Lordships do not stigmatise—which if you tolerate—there is an end to any pretence of retrieving the character of this country, or establishing any opinion of her faith or sincerity in India. Mr. Bristow is a poor paltry plunderer: he took only a little; whereas, if he had seized the whole, the enormity of the plunder would have been his justification. And this sentiment he utters with respect to Mr. Bristow's conduct at the very moment that that conduct of Mr. Bristow was stigmatised by him on the records of the Council Board—which he called an act of extortion and exaction against the rights of the Begum; and now he says the only fault was that Mr. Bristow did not seize the whole. 3 June 1788.

In his other Defence before the House of Commons, Mr. Hastings gives this curious account of this transaction:— Mr. Hastings' account of the transaction in his second Defence.

"The treasures she possessed Mr. Bristow said were the treasures of the state"—

observing again to your Lordships that Mr. Bristow never said any such thing—

"as she had not succeeded to them by any legal title. The Nabob was therefore strictly justified in demanding them; and if there was anything in the whole proceeding which did not accord with the sentiments of people in general, it was the part we officiously took to prevent the Nabob's recovering the whole of his patrimonial estate from those who fradulently withheld it from him."

Here he states that the British name and character suffered by our not assisting the Nawab to seize the whole of the Begum's treasures, and to plunder her completely. This was at the very time that he resisted the Nawab's claim, even to these disputed goods which were not within the walls of the zanana. Now he declares that the British character suffered by our affording any of that protection which he himself moved and brought over the Council to adopt at the moment of the transaction. He then concludes this account with the following extract:— His assertion of the right of the Nawab, contrary to his previous opinion.

"It is not true that the Begum was left in charge of the late Nabob's treasures or other valuable effects. She became possessed of them in capacity of trustee and treasurer of the deceased, who, for some time before his death, deposited the surplus of his revenues with the Bow Begum, to provide against emergencies."

3 JUNE 1788.

Your Lordships will recollect I have just stated, upon the authority of Mr. Hastings, that the part of the conduct of the Council and of the English at Calcutta which he thought scandalised the name of Britain was their affording any protection to the Begum, and not assisting the Nawab to recover the whole of his rights. He says, a sentence below:—

His disapproval of the Resident's interference.

"Hence the whole of his property, of what sort soever, was in her custody at the time of his death; but still as a deposit, though from the hands of his mother; for they were the rights of the state which she had in charge. But I must repeat that I disapprove and still condemn the interference of our Resident; because we had no concern in it, and our credit suffered in the opinions of mankind from the natural disgust which would be excited by a contention between a son and his mother, and by our appearance as incendiaries instead of conciliators in it."

His plea of exemption of responsibility by being in the minority at the Board.

Here we find the British name and character suffered in a different way. Before we suffered for not assisting the son to plunder his mother completely, and now we suffer for having given any countenance to the transaction at all. And here he concludes by saying,—"The Board, I have said, approved of it,"—a curious principle again—"and I was a member of the Board, but an inefficient member of it, the whole of this transaction having passed under the order and guidance of the majority of the Board, which excluded me,"—I beg your Lordships to observe this,—"which excluded me from any share in their acts, equally in such as I approved and in such as I disapproved." Then he says,—"It will appear from the preceding reasoning that I approved of the Nabob's assertion of his own right to reclaim the possession of his inheritance."

Can anything be conceived so confident, so frontless, as for a man to say it will appear from the preceding reasoning that he approved of the Nawab's assertion of his own right to reclaim the possession of his inheritance, when it is in our power to say we will look to the record and there we find that he himself was a strenuous opposer of the Nawab's right, asserted the right of the Begum, convinced the Council, and brought them over to support the rights of the Begum? He recollects this fact; he does not say he did not approve the ratification of the treaty, "but (says he) I was in a minority," and that circumstance excluded him from any share in their acts, equally in such as he approved and such as he disapproved. I know that I am addressing those who understand what the principles of law and of

justice are, but I believe I may take the liberty of saying, without any great irregularity, that I am also speaking in the presence of those who understand a little what majorities and minorities are also; but was ever such a doctrine as this heard of, that the moment any man agrees to the opinion Mr. Hastings maintains that it ceases to be his? If he produces a sentiment or opinion upon any important subject, if it is rejected he admits that he, remaining in a minority, is responsible for it; but, if the majority acquiesce in it, that instant it not only ceases to be his, but he has a right to maintain that he is of the contrary opinion; that the moment his sentiments and arguments bring conviction to the mind of other people, that moment he is discharged from all responsibility for his own sentiments and his own conduct. I don't know how I should illustrate this better than by supposing that if, at any future day, ten or twelve years hence, the honourable Manager who first brought forward this business—if Mr. Burke, speaking of Mr. Hastings, were to say, "That great, worthy, character, so basely, so maliciously, persecuted by those busy, meddling, fellows (whom the Counsel thought, under the constitutional authority of James the First, they were intitled to warn your Lordships against at the commencement of this business), that great man of prodigious character, pursued by vile, shocking persecutors;"—and some person replied, "Why, this from you! Why, you was the man that moved the impeachment; you convinced me; you brought me over to your opinion; you made me a Manager (supposing him to have acted with the majority of the House), what can you mean by holding this sort of argument now?" Mr. Burke should reply, "Ah! but in those days I was in a constant minority, and therefore not responsible for acts I moved myself any more than for those I opposed; and the instant you, the majority, take up that opinion I have a right to say it is not my opinion; I am of sentiments directly the contrary." I maintain, this would not be more bold, more confident, Mr. Burke would not more prove himself to be a man lost to all sense of shame, to be a man who had once for all banished the possibility of expressing shame in his countenance and extinguished the seeds of it in his heart; that he would not more deserve that character, if he was to maintain that language and this conduct, than the prisoner does for this frontless assertion, that he was a friend to the rights of the Nawab against the Begums, and that it will appear from his 3 June 1788.

3 June 1788. reasoning that he was under no responsibility for the measure he moved in Council and carried by moving it.

The Begum's right to the treasures established by the guarantee to the treaty of 1775.

So stand the circumstances of the treaties in 1775; and your Lordships will observe the concurring testimony upon this subject of the right to the treasures. And here, my Lords, give me leave to say that I profess I am ashamed almost to have dwelt so long upon this subject; that, if it had not been for the stress and importance which I perceived the Counsel seemed to think it deserved—whose original right or title these treasures were—I should have been ashamed, speaking in this court, to have taken up the transaction from any other date than from the guarantee to the treaty of 1775, which—whatever the title was—whatever the disputed claim was—settled the point, and fixed what the conduct of the English ought to be; which extinguished all disputed claims, all doubts whatever, as to the property. But I am obliged to refer to these, because I see the stress that is meant to be laid upon them; though I think the argument, after this, will not be much countenanced by your Lordships, if it should be urged by the Counsel on the other side. I see, and the fact is, that through all his Defences—through all the various false suggestions—through all the various rebellions and disaffection and the whole of it—Mr. Hastings never once lets go this plea of inextinguishable right in the Nawab. He constantly represents the seizing the treasures as the resumption of a right which he could not part with; as if there were literally something in the kuran that made it criminal in a true Mussulman to keep his engagements with his relations, and impious in a son to abstain from plundering his mother. I do gravely assure your Lordships that there is no such doctrine in the kuran, and no such principle makes a part in the civil or municipal jurisprudence of that country. Even after they had been endeavouring to dethrone the Nawab and to extirpate the English, the only plea the Nawab ever makes is his right under the Mohammedan law; and, the truth is, he appears never to have heard any other reason. And I pledge myself to make it appear to your Lordships, however extraordinary it may be, that, till the moment of seizing the palace, the Nawab not only does not appear then to have heard of the rebellion, but it appears he never heard of it at all; that this extraordinary rebellion, which was as notorious as the rebellion of 1745 in London, was carefully concealed from these two persons—from the Begums

Pretended right of the Nawab to the treasures under the Mohammedan law.

The Nawab's ignorance of the pretended rebellion against him.

who plotted it and the Nawab who was to be the victim of it. 3 JUNE 1788.

The existence of this was not the secret, but the notoriety of it was the secret. The Nawab never once heard of it. It was a rebellion which had for its object the destruction of no human creature but those who planned it. It was a rebellion which, according to Mr. Middleton's expression, no man, either horse or foot, ever marched to quell. The Chief Justice was the only man who took the field against it. The force around, against whom it was raised, instantly withdrew to give it elbow room; and then it was a rebellion which perversely showed itself in acts of hospitality to the Nawab whom it was to dethrone, and to the English whom it was to extirpate. It was a rebellion plotted by two feeble old women, headed by two eunuchs and suppressed by an affidavit.

Therefore, my Lords, I do trust that, however the Counsel may support their case by accusation against these women,—I do trust (after repeating again that I regret to have taken up any part of your Lordships' time upon the subject) that we shall hear no more of the Nawab's right under the Mohammedan law; because I am confident that, if that argument is attempted to be maintained, your Lordships will treat it with feelings of indignation, which can be of no other advantage to the defendant than perhaps their preventing your listening to the arguments of the Counsel upon such a subject.

Evidence of Mr. Middleton respecting a draught drawn on the treasures by the Nawab.

There is one circumstance, however, which it occurs to me I ought to mention to your Lordships, upon the subject of this original property, which is a very curious evidence given by Mr. Middleton:—your Lordships will always recollect, not given with any great decision or in a very peremptory manner—but still it is as strong testimony, I believe, as any we have got of that gentleman's. Mr. Middleton says that he was employed by the Nawab while he attended him in the Rohilla country. He sent a Mr. Grady, who is, I understand, a gentleman unfortunately in bad health. And the purpose of that extraordinary and uncommon measure which was proposed, of examining Mr. Grady, was to this important object—to prove the property of these treasures to have been in the Nawab: for Mr. Grady was the gentleman whom Mr. Middleton sent from the Rohilla country with a draught upon these treasures. I would have admitted to the Counsel at once that, while Suja-ud-Dowla

3 June 1788. was alive, for what I know he might have drawn for this treasure. The affection the Begum had shown to him—that she considered them as his property whenever in distress—is admitted: I should not have disputed that. But, bringing Mr. Middleton instead of Mr. Grady for their evidence, the Counsel unluckily destroyed their own arguments. For here I should suppose that Mr. Middleton's [memory], in the course of those accidental calls which he makes with Major Scott (not insinuating and seriously that the learned Counsel have any concern in it), played him an abominable trick. He remembered the conclusion that the treasure was to be the Nawab's, but unfortunately he remembered the fact, too—which is not a common case with him; for when he came to recite the transaction—"The Nabob," says he, "drew a draught for this treasure. He sent it by Mr. Grady." What was the consequence? Why, they would not pay the money. "Mr. Grady came back. Then the Bow Begum, who was with them, she drew." What then? "Then the money was paid." And what was the conclusion of Mr. Middleton's mind?—Not only that the treasures must be the property of the Nawab, but that the Begum drew as if they were. Upon those facts he draws that conclusion which no man but Mr. Middleton, I believe, would have drawn:—

"I take it for granted," says he, not having seen the Begum's draught, but having seen the Nawab's draught, "that she drew upon the treasures as if they were the property of the Nabob, who when he drew could not obtain his draught to be answered."*

My Lords, I shall say nothing more upon the original property of these treasures; but come now to the treaties, which I shall shortly run through, of 1778.

The treaties of 1778.

We hear no more of any transaction either between the Begum and the Nawab, or between the Begums and Mr. Hastings, till the year 1778. It appears that they have gone on with the same credulity. There is the same implicit confidence on the part of the Begum, and the same ready protection on the part of our government, to this period. And here we come to treat of another treaty, which was executed under the sanction of Mr. Middleton; and therefore your Lordships, I believe, will be aware that we have not, at the first glance of it, a very clear account of this transaction. Mr. Middleton appears to have been employed

* "Minutes of the Evidence," &c., p. 740.

in four negotiations in his life-time—to have been concerned in four treaties—and he forgets whether he ever signed three of them or not. However, his memory mends upon the occasion, and at last I think we have a pretty plain state of the facts to lay before your Lordships. 3 June 1788.

Denial by Mr. Hastings of his own Defences.

I will read a passage from Mr. Hastings' Defence before your Lordships. This I suppose Mr. Hastings will at least admit to contain perfectly his own sentiments; though, perhaps, I am a little wrong in that. He has set up four Defences already, and denied them one after another; possibly, when the Counsel come to speak, they will deny even this Defence before your Lordships. If propriety would admit, I should be glad to know whether they are now in the last trench, or whether they will set up a fifth; and whether, when Mr. Hastings comes to exercise that privilege, which certainly will not be denied him, of speaking for himself, he may not set up a sixth. But, taking for granted that till denied it is to stand, I shall read this passage from it; he admits:—

Denial by Mr. Hastings of any guarantee for her jagirs having been made to the Bow Begum.

"That the elder Begum was in possession of certain jaghires and effects; and that she, in or about the year 1778, made such application to the Governor General and Council, through the then Resident, Nathaniel Middleton, Esquire, respecting the same, as in the said second Article is set forth; and that the Governor General and Council, the said Warren Hastings being the Governor General, did thereupon direct the said Mr. Middleton to make such representation to the Nabob as is stated in the said Article. And the said Warren Hastings does not know or believe that any other interferences, power or authorities, were made, given, granted or confirmed, by the said Governor General and the said Council, for the purpose aforesaid: and he denies that any guarantee of the British nation, or any guarantee of any kind whatsoever, was by the Resident, under the authority of the said Warren Hastings, ever pledged to the said elder Begum for her protection."*

The fact of the guarantee asserted.

My Lords, I am at issue with the Counsel upon that fact. I assert that a guarantee to the elder Begum under his authority was given, and that the British faith was pledged to her. I know why they fight this business. They are aware that, when we establish this treaty, when we establish this guarantee, we establish a claim on the part of the women in the Khurd Mahal to the protection of the British government, and that we do in fact make Mr. Hastings personally responsible for all the cruelties, for all the famine, for all the shocking misery, which these poor wretches

* "The Answer of W. Hastings, Esq., to the Articles, &c. Delivered at the Bar of the House of Peers, 28 November, 1787." Second Article.

3 JUNE 1788. suffered: who, he tells you in his second Defence, were low creatures; as if that was a good reason for a high-minded man to starve them. We shall bring it home to him, that he is as much responsible for them as if he had himself stood sentinel at the gate, and torn the morsel of bread from the children's mouths. We shall bring it home to him that he, and he alone, on the account of this pledged faith, is and must be responsible.

Efforts of Middleton to dissuade the Begum from a pilgrimage to Mecca.

My Lords, we find Mr. Middleton, on the 15th of January, 1778, writes to the Board, and informs them of the intention of the mother of the late Wazir, that is, the elder Begum, to proceed on a pilgrimage to Mecca. He tells them that, in 1778 (?) he had promised the Nawab to use his endeavours to influence the Begum to relinquish a design which, from her age and infirmities, she cannot enter upon with any probability of accomplishing it. This is not a flattering speech to the lady, but what he tells as his own judgment to the Council. She was then, I believe, between eighty and ninety; and it was four years afterwards when that martial spirit seized her which made her determine to extirpate the English nation and dethrone her grandson. However, Mr. Middleton did not see all these great qualities in her at that time, for he thought she had no chance to live to the end of a pilgrimage to Mecca. Then comes an account of his visit to her. He represents her inability, from her age and infirmities (very true though not very polite perhaps) to encounter these difficulties, and, above all,

"the misfortune and irretrievable loss which her withdrawing herself from these provinces would be to her deceased son's numerous family."

Though, your Lordships will recollect, Mr. Middleton lost all recollection of any such, and Mr. Hastings in his first Defence admits they were numerous; in his second Defence he says they were low born; and in his third Defence he melts them down, and doubts whether there were any family or children at all. And well he might if he spoke of the present time, after his transactions and behaviour to them; he might well doubt of their existence—

"which in its present infant state required that tender care and attention she alone, from her known wisdom and experience and concern for their welfare, could be relied upon to give them. She observed that her present purpose was not of modern invention, but had been her determined object for many years past, even before the death of the late Vizier. She had it in contemplation and was irrevocably bent upon putting it into execution three years ago, had she not been prevented by the sickness and death of her son; that, since that unfortunate event

her mind had been constantly directed to the care and education of the young family, which she thought she could not with propriety leave, until they were in some measure in a situation to make their own way in the world." 3 June 1788.

Your Lordships will always bear in mind that it is a part of the charge against these persecuted women, not merely that they engaged in rebellious practices at the time of Cheyt Sing's insurrection, but that they were always actuated by an uniform hatred to the English nation—that they invariably took advantage of our troubles, and had, by various repeated instances of hostility, provoked that resentment which afterwards fell upon them. Here your Lordships find Mr. Middleton, under the authority of Mr. Hastings, dissuading this woman, who is represented as the worst of the two and who always influenced the conduct of her daughter,—you find Mr. Middleton dissuading her from leaving the country. He then recapitulates her complaints:—

Complaints of the Begum against the Nawab.

"That his Excellency had made no suitable provision for the late Vizier's women and children, now at Fyzabad; that the education of the children had been totally neglected and their situation wholly unattended to; that the Nabob suffered his favourites to infringe her rights, to insult his relations and the ancient dependants of the family; and, so far from affording her any address in any of her complaints against these people, she had reason to believe he had connived at and secretly encouraged such conduct.

"These causes of complaint, although they were not the origin of her present design, she confessed had induced her to fix an earlier period for her departure than she should have otherwise done; but she would consent, at my entreaty, to remain two or three months longer at Fyzabad, if I would engage on my part that she should not be subject to such insults and mortifications as she had heretofore experienced, and that I would heartily unite with her and the young Begum in settling the Nabob's domestic affairs in a firm and permanent manner, and fixing a certain provision for the support of the women and children of her deceased son and her own relations, so that the honour and credit of her family might be preserved inviolate."

After stating these circumstances, Mr. Middleton concludes with an observation of his own, by saying,—

Recommendation by Middleton of the recognition of the Begum's claims by the Company.

"I think it necessary to assure the Honourable Board that, as far as I have yet been able to learn, I think the Begum's claims are very moderate and just, and such as it would be natural to suppose the Nabob cannot in decency refuse."*

He had an opportunity here of knowing personally the neglect of this family; that they had none of those regular

* Printed in the "Minutes of the Evidence," p. 455.

3 June 1788. assignments which the Counsel had been endeavouring to establish from persons who could know nothing but from report; that they were obliged to the bounty of the Begum for a maintenance; and that, in order to satisfy her, it was necessary to guarantee a provision for those women and those children. This he writes upon the 25th of January. Upon the 27th he writes again—and the Counsel, if they wish to be convinced, I was going to say—but I would have them attend literally to the purport of those two letters, I mean the letters of the 25th and the 27th January. In the letter of the 27th he says,—

"I now do myself the pleasure to forward you a translation of a writing she had presented to me, containing her several requisitions and claims, which she expects shall be complied with and guaranteed to her by the Company; so that it may not be in the power of the Nabob at his pleasure to annul any of the conditions or deviate from any of the provisions therein specified."

Then Mr. Middleton adds—

"That the Honourable Board may be clearly informed of the nature and propriety of the Begum's expectations, I have subjoined short explanatory observations to each separate article; and, if the Honourable Board shall be pleased to consider them after in the light it appears to me, I hope to be favoured with their permission to sanctify the agreement in the manner the Begum requires in my public character. I have referred the subject to the Nabob for his consideration and approval; but I have little expectation that he will of his own accord acquiesce in the Begum's propositions, however moderate and reasonable they may appear; and if he should, his assent alone, without the ratification and guarantee of the English, will not be accepted as any kind of security by the Begum. If, however, his Excellency approves of these propositions, and gives them the sanction of his signature, I apprehend there will be no impropriety in my becoming a surety for their performance; in which case the direct interposition of the Honourable Board will not be necessary."

Now I beg your Lordships to observe here that Mr. Middleton transmits two propositions to the Board—one that, if he should find the Nawab inclined to agree to the reasonable terms proposed by the Begum, then he apprehends there can be no impropriety in his becoming guarantee; but, not having reason to believe that the Nawab would so consent, then he applies for another kind of authority, which follows—

"But if on the contrary he should refuse his concurrence, I beg leave with humble submission to suggest the necessity of an immediate exertion of their influence, to secure the Begum whatever they may be pleased to consider her undisputed rights, when I doubt not I should

be able to prevail upon her to relinquish her design of a pilgrimage to Korbulla altogether."* 3 JUNE 1788.

Mr. Middleton writes on the 27th of January, having referred the propositions of the Begum to the Nawab's consideration. And now I wish it to be attended to that, before the Board answer this letter, they take into consideration another letter of Mr. Middleton, in which it appears that he had laid these propositions before the Board, and, as he expected, he found the Nawab averse to enter into any treaty. Mr. Middleton encloses in this letter of the 27th of January a paper transmitted by the elder Begum, with his remarks upon it.† One of the articles contained in that paper is—"That separate and sufficient Jaydads be given for the support of the Khourd Mhal"—the Khurd Mahal remember—

Demands of the Begum for provision for her son's children, &c.

"and my late son's children, suitable to their rank and situation; and that, when the children arrive at ages of maturity, I be permitted to enter into treaties of marriage for them, agreeable to my own judgment and discretion; and that a suitable allowance be made for the expenses which may be incurred on the occasion. That the daughters who have been contracted may be sent to their intended husbands, or the husbands sent for to receive them."

Mr. Middleton upon this remarks:—

"An allowance of 12,800 rupees per month has been established for the women of the Khourd Mhal and the late Nabob's children, which will be adequate to the support of the children and such of the women as from their connexion with the Nabob are entitled to a maintenance; the rest the Begum has consented to release from their confinement."

"Thirdly; that for the support of the family and dependants of the Nabob Sufder Jung, my late husband, who are all allied to me, the same allowances be now made that were fixed in the lifetime of Shujah-ul-Dowlah."

"Remark.—The allowance made by the late Vizier for his father's connexions and dependants was about 17,000 rupees per month, exclusive of the Begum's own jaghire."

Remarks by Middleton—Allowance by the late Nawab for his father's dependants.

Here he admits that the Begum's own jagir was a part of the maintenance and a part of the dependence of the Khurd Mahal:—

"This allowance has been withheld from the period of Sujah-ul-Dowlah's death, and been disbursed from the Begum's private purse."

After making other observations upon her request—to the moderation and justice of which he bears general testi-

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* Printed in the "Minutes of the Evidence," p. 456.

† Printed, as above, p. 457.

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mony—he concludes, waiting for an answer to this letter from the Board. However, upon a communication afterwards with the Nawab, he writes again to the Board on the 2d of February, before they could have received the first letter:—

Refusal of the Nawab to make conditions with the Begum.

"I am sorry to acquaint the Honourable Board that I have not been successful in my applications to the Nabob in behalf of the Begum. He has positively refused to come to any immediate determination upon any one of the several points I have submitted to him, answering me only, in general terms, that it is his intention to visit Fyzabad on his return from his hunting party, when he will request my personal assistance in accommodating all matters of dispute between him and the Begums. In the meantime, he intreats me to take every means in my power to prevail upon the old Begum to suspend the execution of her purpose, until he shall have had an interview with her; and, to accomplish this object, he even authorizes me to make her such assurances, on his and my own behalf, as in my judgment shall seem reasonable and just. It is needless for me to remark upon the ambiguity of this reply or the indefinite terms in which his authority to me is conceived. The Begum's requisitions were laid before him in the form I received them, clearly and specifically noticed; so that it required only that he should have given his sentiments upon them and have informed me how far he wished me to engage his confidence. But, instead of this, he contents himself with desiring me to use every conciliating argument I can with the Begum, to dissuade her from her purpose, while he denies me the only means by which he knew it could be effected, and by his conduct in fact strengthens and confirms her resolutions." *

Now here your Lordships will perceive that the Begum determined to leave Fyzabad and go upon a pilgrimage, unless she had the guarantee of the Company; that Mr. Middleton was aware of this and admitted it; that she includes in the proposition for her own treaty the care of the Khurd Mahal; that this was laid before the Nawab, and, as Mr. Middleton admits, the Nawab refused to enter into the treaty. These papers, containing her propositions and Mr. Middleton's remarks, the Board proceed to take into consideration upon the 23d of March. And now comes the letter which the Counsel have laid so much stress upon, which was ordered to be written upon that day's consultation. They say—"We have duly considered your letters of the 25th and 27th of January, the 2d and 3d of February." The first letter states the complaints of the Begums. The second letter contains Mr. Middleton's two propositions—your Lordships recollect. The first was a proposition that he should enter into a guarantee for the Begums; the

Letter of the Council on the subject of the Begum's demands.

* Printed in the "Minutes of the Evidence," p. 459.

second proposition was, that, if he found the Nawab disinclined to that, he should exert his influence and compel him to grant a security to his grandmother. The letter of the 2d of February contains an account that the Nawab did refuse to enter into this treaty, so that the Board had that fact before them:— 3 June 1788.

"We can have no right to interfere betweeen the Vizier and his relations on subjects for the redress of any grievances which they may sustain from him, except by remonstrance, or, in cases that we shall deem of a nature so gross and enormous as to cast a reproach on the Company and to involve and affect the dignity of the British name, by withdrawing ourselves from such a dishonourable connexion. We must therefore decline giving you authority at present"—

—authority for what? to enter into the guarantee? No, for Mr. Middleton had told them that was nearly out of the question, for that the Nawab had refused the treaty,—

"We decline giving you authority to insist on the Nabob's immediate restitution of the property claimed by the family of the old Begum and by the family of Nabob Sheir Jung, deceased."

That is what they decline giving him authority to do. Says Mr. Middleton — "I see no objection to my becoming guarantee" — afterwards informing them that there was no chance of the treaty being entered into— "but, if he does refuse it, then suffer me to put in execution the second proposition." They say — "No; we can have no right to do that;

"but as we approve of the means you have taken to conciliate the differences that have arisen from the former and dissuade the Nabob from the act of oppression which he intended to commit on the estate of the latter, we desire you will repeat your remonstrances to the Vizier on both these points in the name of this government, representing to him the consequences of such an arbitrary proceeding. If he shall persist in his refusal"—

that is, persist in a refusal to enter into this treaty which Mr. Middleton had informed them he was applying for—"if he shall persist in his refusal after this, to agree to any reasonable terms"—are the words of the letter; admitting clearly that, if he did not persist in it, they gave their consent—they made no objection whatever to Mr. Middleton, and justified his supposition that there could be no objection to his becoming guarantee for the Begums if the Nawab could not be brought to do it,—

"You are to take no further steps till you have advised us thereof and of every circumstance attending it."

3 June 1788. That is, we will not give you that alternative you applied for, upon the Nawab's refusing to enter into the treaty. That we don't think ourselves justified in doing. We approve the means you take to conciliate the differences—which means are stated by Mr. Middleton to be the guarantee of the British government alone, without which the Begum would not remain in the Nawab's territories. Having stated that, they say—and I will quote the passage the Counsel wished to be added—

"Having given the old Begum such a proof of our desire to assist her and to obtain security for her in her present situation"—

if security could be obtained for her, when Mr. Middleton expressly states she won't remain an hour in the Nawab's dominions upon his word; that it would not form anything like security, without the faith and guarantee of the British government being pledged—upon this they say—"We agree to the measures you have taken; we approve of them; but, if the Nabob refuses reasonable terms, we cannot agree to a forcible interference;" and they say—"We hope she will not leave the Nabob's dominions." Then they add—"With respect to the Bow Begum, her grievance comes before us on a very different footing." True, she had a guarantee (for Mr. Hasting's argument in 1775 was that she had a guarantee). Here he says, "We are pledged to her, she has our guarantee." And here they say:—

"We have a right to interfere; we therefore empower and direct you to afford your support and protection to her in the due maintenance of all the rights she possesses, in virtue of the treaty executed between her and her son, under the guarantee of the Company, and against every attempt that may be directly or indirectly made to infringe them. At the same time, we recommend the greatest delicacy to you in every case of this nature. We desire you will act with firmness and resolution, and as far as you can with effect."*

Sanction of the treaty inferred from the letter.

Now will the Counsel pretend that that just and proper distinction which was made enfeebles any part of the argument with respect to the authority given in the former part of the letter? But when I establish this, which I think is clearly made out, I say it is not necessary to the issue I have joined with the Counsel upon the subject. For if this letter was written with a frivolous and prevaricating spirit—which when I see the name at the bottom I am ready to admit—yet I will show to your Lordships that there is afterwards

* Printed in the "Minutes of the Evidence," p. 460.

distinct authority and sanction given to the treaty so executed. 3 JUNE 1788.

Prevarication of Middleton with respect to his signing the treaty.

Here is one circumstance which should seem a pretty reasonable proof that Mr. Middleton did understand this to be an authority, that is, that he did sign the treaty. Mr. Middleton at first does not recollect at all his having executed this treaty, and he endeavoured to account for the two papers that are shown to him in a very extraordinary manner. However, afterwards, when he was suffered to look at the books and to refresh his memory, he comes and says—"I think I must have signed it." He is still sure, however, that he had no direct authority from the Board to sign it; but yet he is still equally sure that if he signed it he would not have signed it without an authority; for that is the evidence also. Your Lordships will recollect a good deal of puzzled examination upon this subject. When he is first shown these two treaties he conceives that he did sign that part of the treaty for which his name is put, which is an engagement to procure a treaty from the Nawab—"Copy of an agreement, under the seal and signature of Mr. Middleton, to all the particulars of which he engages to procure a treaty from the Nabob Asoph-ul-Dowlah after his arrival, and that he will also sign it as follows."* Says Mr. Middleton—"I think I signed that paper, but the Nabob never signed his part." Why, we see the Nawab's part of the treaty is delivered also to Mr. Purling, as a thing admitted by him, and admitted to be executed. "Yes," says he, "but I think it was only a draft or copy of that agreement which the Nabob was to sign. I drew an engagement myself to procure for the Begum a treaty upon certain articles, and then subjoined to that engagement of mine a copy of the draught which the Nabob was to sign as a fulfilment of that engagement." That does not seem a probable circumstance, that Mr. Middleton is signing an engagement of his own in which he specifies every article the Begum treats for. It is not very probable, but it is possible. But, when we come to look into it, it is not only not probable but absolutely impossible; because, when we come to look into the Nawab's part of the treaty, there are great, essential, departures from the conditions Mr. Middleton engaged to procure for the Bow Begum—less is given than he engaged to procure. There was an engagement on the part of Mr. Middleton that the

* The agreement is printed in the "Minutes of the Evidence," p. 461.

JUNE 1788. Nawab should pay 115,000 rupees on a certain account. The Nawab's agreement is—"I have passed a bond payable in six months for it." Now is it possible that Mr. Middleton should write a draught, and at the top the manner in which the agreement was to be executed, and then at the bottom the manner in which it had been fulfilled by the Nawab? There are many other circumstances which show clearly—but it is tedious to go through them—that it could never be executed as a copy of a draught; because, conversant as we are with the extraordinary frauds which appear in this business, I should think that no person, however trained and educated in the school of Mr. Hastings himself, could be guilty of so frontless a fraud as to write down—"I engage to procure the execution of this treaty"—and then to alter the treaty from the engagement, to procure less than he covenanted at the top of the paper to procure—I think the thing itself does not require any further argument to prove it.

Articles in the treaty referring to the Begum's family.

I will mention here the article which is the pinching part of this whole business, and which has caused so much dispute upon the subject before your Lordships. Mr. Middleton engages that the festivals (shaddee) and marriages of the children of the late Nawab, Suja-ud-Dowla, shall be at the disposal of the Begum. Whenever she thinks proper she shall marry them; and, if the Begum shall go, she shall have the authority to appoint and settle their marriages; and whatever money shall be necessary for these expenses shall be paid by the Nawab.

The Nawab's engagement is as follows:—

"The Begum, my grandmother, shall have the authority in all festivals, and in the marriages of the children of the late Nabob, Sujah-ul-Dowlah, and, with the consent of my mother and myself, shall regulate them; excepting in the festival (shaddee) the authority is mine."

The seventh article in Mr. Middleton's engagement is:—

"I will settle with the Nabob the allowances to be made in ready money to the ladies of the zenana, and others specified in the following account."

That is his undertaking and engagement. The Nawab says:—

"I do agree that the jagirs, and gunges, and monthly allowance of the officers and servants, and of the ladies of the zenana, and of those specified in the account annexed, shall be at the disposal and under the management and authority of the Begum; and no one shall oppose or prevent it. This I will punctually observe."

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The protection of the zanana guaranteed by the English.

Date of signature of the treaty.

In this agreement Mr. Middleton and the English are engaged; therefore here the future protection and care of these ladies is specifically provided for. The English do become solemn guarantees, and are pledged for the maintenance of that Khurd Mahal and of that zanana, provided we can establish those treaties being signed. The treaty having no date, we will not for a moment or two attempt to prove exactly the time of his signing it; leaving it upon Mr. Middleton's recollection that, after the receipt of that letter from the Board, he must have signed that guarantee. The date is wrong in the printed evidence; but here is a letter received from the Bow Begum by Mr. Hastings, by which it appears that Mr. Middleton had returned a second time to Fyzabad, and that here was another and a new treaty which Mr. Middleton accurately recollects that he did execute. Mr. Middleton writes word upon the 14th of September, 1778—your Lordships' will recollect that at the beginning of the year he had been in Fyzabad, and had had this negotiation with the elder Begum:—

"The growing differences between the Nabob and the two Begums, which, if suffered to continue, might be productive of an irreparable breach, and ultimately be attended with the most unhappy effects to the late Nabob's family, I have thought it the duty of my station to endeavour to avert these consequences by a timely mediation. The Honourable Board have already been minutely informed of the several claims of the two Begums, which, for the most part, appear to me to be founded in equity; and the Nabob, though formerly averse to complying with them, has of late manifested so strong a desire to accommodate these differences, and restore the mutual good understanding which ought to subsist between him and the two Begums, that I am inclined to believe he would willingly give up many points which he has hitherto refused, to effect this object. I have therefore, at his Excellency's urgent solicitations, undertaken a visit to Fyzabad, in the hope that I may be able to remove those ill impressions which have naturally arisen from mutual injuries, and adjust the preliminaries of a personal interview, which both parties appear equally desirous should take place. This done, the Nabob has given me his solemn promise that he will immediately join me at Fyzabad; and I entertain the most sanguine expectations that it will prove the means of removing those violent prejudices and disgusts which have so long prevailed, to the destruction of almost every kind of intercourse and connexion between them. I shall duly inform the Honourable Board of the result of my proceedings at Fyzabad, and take no part officially in any accommodation or fresh agreements which may take place between the Nabob and the Begums, without their previous sanction and concurrence."*

This was on the 14th of September. Accordingly, we find that Mr. Middleton did proceed to Fyzabad. We find,

* Printed in the "Minutes of the Evidence," p. 515.

3 June 1788. from a letter of the Begum's, that he did reconcile their differences; that a new treaty was entered into between the Bow Begum, the mother, your Lordships recollect, now of Asoff-ud-Dowla; that there was some mistake in executing this treaty; that Mr. Middleton rode after the Nawab, and procured the treaty to be altered as she pleased. Mr. Middleton is asked whether he recollects the signing this treaty: and here comes a most extraordinary and almost incredible answer of Mr. Middleton's; for he is asked, "Did you sign that treaty"?—he answers directly, "I did?" I am sure every person shared in the astonishment to find a direct recollection of a fact explicitly avowed by Mr. Middleton: but he had consulted his books, and found this treaty clearly admitted to be signed, and he explicitly admitted it to be signed by him. We will look for a moment at the terms of this treaty. This treaty is dated the 3d of October, 1778, to which Mr. Middleton affixed his seal:*—

Acknowledgment by Middleton of his having signed the treaty of the 3d of Oct. 1778.

"His Highness shall faithfully perform all the articles of the following treaty, which he has entered into with her Highness the Begum. The English Chiefs and myself are guarantees for the due performance of it. His Highness shall"

—observe this—

"without fail discharge the tuncaws of the small mhals (the lesser zanana and the Khurd Mahal), and shall fix and pay a suitable allowance for the support of the children of the late blessed Nabob."

Guarantee in favour of the elder Begum contained in the treaty.

Now, my Lords, you will perceive there are other articles in this treaty which relate to the elder Begum,—

"Her Highness the superior Begum"—the Vizier's grandmother—"and her Highness the Vizier's mother shall, with the approbation of his Highness, contract alliances for the marriages of the sons and daughters of the late blessed Nabob, with whomsoever they judge proper."

Your Lordships will perceive that there is as much stipulated almost with respect to the superior Begum, as she is called in this treaty, as there is with respect to the Bow Begum. Therefore, when we are at issue as to the fact of Mr. Hastings' denial that he ever pledged the faith of the British nation to the elder Begum, we need nothing more than to establish that this treaty (letting go the other two) had the authority and the sanction of Mr. Hastings. He denies that any guarantee of the British nation, or any guarantee of any kind whatever, had ever been pledged with respect to the elder Begum.

* Printed in the "Minutes of the Evidence," p. 516.

Then here we are at issue upon this fact—letting go the other treaties for a moment. Here it is proved that Mr. Middleton acknowledged that this treaty he did execute: and now we shall see whether Mr. Hastings was ever apprised of it, and whether he ever gave it a sanction or not. 3 June 1788.

It was in February, 1779, when Mr. Hastings received an expostulation from the Bow Begum, and a request that he would add his signature to this treaty, which she had obtained from Mr. Middleton. Mr. Hastings writes to Mr. Middleton:—

Letter of Mr. Hastings to Middleton respecting the treaty.

"This serves to introduce to you Akber Aly Khan, despatched to me with letters by the Bahoo Begum, for whom I desire your civilities and attention. From the Begum's letters and the papers of which he has sent me copies—"

and that is the way in which they came upon the recorded correspondence at Calcutta; Mr. Hastings not having received from Mr. Middleton, but from the Bow Begum, a copy of this treaty,—

"I am surprised to observe that, although the Nabob has repeatedly entered into solemn engagements with her, and the name of the Company pledged for the performance of them, yet none of them have been observed any longer than the Nabob thought proper. Such instances of breach of faith bring our name as well as the Nabob's into discredit. The Begum informs me that she shall rest satisfied with the last engagement contracted with her by her son, to which you have set your seal on the part of the Company as guarantee, provided she can be assured it will be observed."

Now it is nothing to the purpose that Mr. Hastings a little falsifies the matter in his communication to Mr. Middleton; because she had desired something more than an assurance from Mr. Middleton that it should be well observed. But, however, he confesses he had received the treaty, and he sends it back by Akbar Ali Khan, who was the agent she sent to Calcutta to Mr. Middleton, and adds:—

"I must therefore desire that you will make use of your influence with the Nabob to prevent his attempting any act contrary to these engagements; and that, if he should at any time so far forget himself as to make it necessary, you declare to him peremptorily, in my name, and on the part of the Council, that we will pay all due attention to the Begum, and afford her assistance in all matters when she may have occasion to require it, and which have a relation to these engagements."*

His sanction of the guarantee inferred from his letter.

Now will any person say that this is not a complete authority—a sanction and approbation at least—of that

* Letter of Hastings to Middleton, dated 29th March, 1799.—Printed in the "Minutes of the Evidence," p. 520.

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treaty signed by Mr. Middleton on the 3d of October, 1778? We asked Mr. Middleton the question at your Lordships' bar, and he acknowledged that he did understand that it was, as it is, obviously, upon the face of it, a complete, direct, authority and sanction from the Governor General to a treaty acknowledged to be signed and executed, and the guarantee of the English pledged to it, by Mr. Middleton. Will the Counsel now maintain this peremptory assertion in Mr. Hastings' Defence—that he positively denies that any guarantee of any sort was ever pledged, in any respect, to the elder Begum—when we have proved to your Lordships that almost the greater part of this treaty are stipulations on the part of the elder Begum?—when we have proved that Mr. Middleton signed it; that it was communicated to Mr. Hastings; he approved of it, and directed Mr. Middleton to conduct himself by this very treaty?

My Lords, I am almost ashamed of making things that are clear clearer than they may be; but we come to a circumstance which alone would have been sufficient to make this clear to every one of your Lordships,—I mean a transaction respecting Mr. Purling, in the year 1780; for then it is, your Lordships will observe, that first the other two treaties — not the last treaty signed by Mr. Middleton, but the engagement of Mr. Middleton to get a treaty and the treaty executed by the Nawab—first came to light.

Evidence of Mr. Purling.

Mr. Purling—who gave a clear evidence, like a man who had no foul secrets to fear disclosing, and dreaded no inquiry—

His recognition of the two earlier treaties for protection of the Begums.

Mr. Purling stated, that, in 1780, like other Residents, he was endeavouring to extort money from the Nawab. He had, in consequence of his orders, fallen upon an expedient to tax the jagirs. The Nawab revolts at this; and Mr. Purling's evidence is decisive as to the repugnance and reluctance the Nawab showed, distinctly and particularly, to the idea of taxing the jagirs of his mother and grandmother. But, however, when Mr. Purling perseveres in the idea, the Nawab says, as his letters prove:—"You are my masters. Other resources I have none. But they possess engagements." And the agents from the Begums—for Mr. Purling in his last day's evidence recollects that fact—the agents from Fyzabad come down to Lucknow and remonstrate with Mr. Purling, claiming their engagements, refusing to suffer any money to be levied upon their jagirs; and the event is that copies of those engagements are delivered up to Mr. Purling by the Nawab's ministers. Mr. Purling acts

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as an honest man must have acted upon the occasion: he instantly dismissed all ideas from his mind of meddling with that property which was to be held sacred under the faith of the British guarantee. He answered immediately, that he considered the treaties as binding. They were claimed as binding by the Begums, admitted to be binding by the Nawab, who was a party at the time; and Mr. Purling accordingly transmitted those treaties to the Council at Calcutta.*

The treaties transmitted to the Council.

And now comes the fact I defy the Counsel to get over, or show their face a moment in any argument against, if they attempt it. Mr. Hastings receives the engagement of Mr. Middleton to procure the treaty; he receives the copy of the Nawab's treaty, granting all the rights to the ladies and the children, never to be forgotten. What does he do? Does he write to Mr. Purling, and say,—"I never heard of this treaty?" Does he deny it in his Defence—"I never gave any authority for it"? No; they write word not to meddle with the jagirs; without another comment. They don't express surprise upon the subject; but they write expressly, —"Restore the jagirs: there are engagements for the purpose." Mr. Purling is asked where Mr. Middleten was at this time. He said, "At Calcutta." Mr. Middleton is asked himself. He admits it; he could not deny it; for we have better evidence that he was at Calcutta at the time. Does Mr. Hastings apply for any explanation of this treaty? Does he say,—"How came you to execute this without my authority or sanction? I am astonished to find such a guarantee claimed." Not one word! Mr. Middleton's answer is decisive that he never heard a tittle of disavowal or disapproval of any part of these treaties. Nay, the very day when these treaties were entered upon the records of the Council, their evidence proves that Mr. Hastings was consulting Mr. Middleton upon the affairs of Oude at that very moment: therefore there is not the evasion that he was out of the way, or it did not occur to him to make any inquiry with respect to these treaties. Here it is evident that it was well known to Mr. Hastings, and he would have disavowed it if he had not given a sanction to it. I say this proof is decisive and convincing; and I do believe that if,

And accepted by them, and by Mr. Hastings.

Middleton at Calcutta at the time of the receipt of the treaties.

* See evidence of Charles Purling, in the "Minutes of the Evidence," &c. pp. 488, et seqq., 827.

3 June 1788. after this, any attempt is made to establish this doctrine—that, when Mr. Hastings left Calcutta in 1781, he had a right to consider himself as not shackled and bound by this treaty to the elder Begum, having never given notice that it was not his, having never given notice to the agent who executed it, or disclaimed any one part of it, it would be the grossest fallacy, the wildest sort of subterfuge, that ever was attempted to be maintained—that, when he left Calcutta the year but one after that, he did not leave it as completely bound, tied and shackled, by the terms of that guarantee to the elder Begum, as he was bound by the guarantee executed by Mr. Middleton or Mr. Bristow to the younger Begum.

My Lords, I have now done with the subject of the treaties. I thought it extremely necessary to ascertain the circumstances of those treaties, in which the character of British faith was so connected, before we proceeded to discuss any part of the circumstances relating to the violation of those engagements. Your Lordships perceive that there is one treaty admitted; and I do take the liberty of confidently saying that the other is proved.

Departure of Mr. Hastings for the Upper Provinces.

I come now to the period of June or July, 1781, when Mr. Hastings was about to take his departure from Calcutta, in order to proceed to the upper provinces. And here, my Lords, we come to the commencement—to the beginning and opening—of that fertile field of iniquity which followed him through his progress in that course. Your Lordships well know that, at this time, to the loss of the British name—to the disaster of the suffering people of India—those worthy, great and honourable men, General Clavering and Colonel Monson, were no more; that Mr. Francis, the last check upon the conduct and views of Mr. Hastings, had taken his departure for England; and now, as if there was a hoard and an arrear of evil in his mind which had been checked and suppressed for a considerable time past, he bursts forth, and proceeds to almost the whole of those actions which form the matter of accusation now pending at your Lordships' bar.

His meeting with the Nawab at Chunar.

His acceptance of a gift of 100,000*l.* from the Nawab.

I pass by the business of Benares. That is already before your Lordships, and has made that impression which I have no doubt causes the whole of that transaction to live in your Lordships' memories. I come directly to his meeting with the Nawab at Chunar. And here your Lordships find the proper foundation laid for those actions which followed; for you find that the first act he did was to take a monstrous,

corrupt, bribe from this miserable, distressed, Nawab. My Lords, Mr. Hastings calls this, in his Answer, a supposed bribe: but I will undertake to prove to your Lordships that it was a bribe of the foulest sort, of the worst nature; that it was a price taken by him to sacrifice certain rights, interests and advantages, of his masters, the East India Company, in return to the Nawab. I conceive that the circumstances which constitute the fact of receiving a bribe will generally be these—that there should be a mystery and concealment pervading the transactions; that there should be probably some act of hypocritical purity, in order to mislead inquiry and to do away any suspicion that may arise respecting the transaction. If, in addition to these, we consider the inability of the person who gives the supposed bribe, and if we find it utterly improbable that a person in his circumstances could have sacrificed any considerable sum of money but with a view to some corrupt advantage, we find additional reason to call this a corrupt act either of bribery or extortion: and in that case—the latter case—the act of the giver, which would otherwise be a foul act, is lost and abated in the extortion of the receiver. 3 June 1788. Proofs that it was a bribe.

In the first place, consider the wretched situation of this poor Nawab, who is represented as making this prodigal gift to Mr. Hastings. I will not trouble your Lordships to refer to the disgusting picture which lies before you, in the evidence, respecting the miserable, reduced, abject and unprincely, state of Asoff-ud-Dowla, at this time and for some years before. He gives himself, in a very few words, which are sufficient for my purpose, a true picture of his situation—a picture of his situation admitted implicitly by Mr. Purling to have been just and well founded—recognised afterwards by Mr. Middleton; and Mr. Middleton himself admits that the Nawab never was in worse or more distressed circumstances than at the very time he left Lucknow to proceed to join Mr. Hastings at Chunar, in September, 1781. The Nawab says:— The distressed condition of the Nawab at the time.

"I cannot describe the solidity of your friendship and brotherly affection which subsisted between you and my late father. From the friendship of the Company he received numberless advantages; and I, notwithstanding I was left an orphan, from your favour and that of the Company was perfectly at ease; being satisfied that everything would be well, and that I should continue in the same security that I was during my father's lifetime from your protection."

3 June 1788. He then recapitulates some of his distresses, and says:—

"Thanks be given to God, that I have never as yet been backward in performing the will of the English Company, of the Council and of you, and have always been from my heart ready to obey them, and have never given you any trouble from my difficulties or wishes. This I have done simply from my knowledge of your favour towards me, and from my being certain that you would learn the particulars of my distresses and difficulties from other quarters, and would then show your friendship and good will in whatever was for my advantage. But when the knife had penetrated to the bone, and I was surrounded with such heavy distresses that I could no longer live in expectations, I then wrote an account of my difficuties. The answer which I have received to it is such that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the Council that you would ever have given your orders in so afflicting a manner, in which you never before wrote, and which I could not have imagined."

He recapitulates his miseries. He says:—

"The pensions of old servants of thirty years have been stopped, the expenses of my family and kitchen, together with the jagirs of my grandmother, mother and aunt, and of my brother and dependants, which were for their support. I had raised 1,500 horse and three battalions of sepoys to attend upon me; but, as I have no resources to support them, I have been obliged to remove the people stationed in the mhals, and to send his people into the mhals; so that I have not now one single servant about me. Should I mention what further difficulties I have been reduced to, it would lay me open to contempt. Although I have willingly assented to this, which brings such distress upon me, and have in a manner altogether ruined myself, yet I failed not to do it for this reason—because it was for your satisfaction and that of the Council."*

My Lords, I will not dwell upon this subject further; but this was the situation of the Nawab about a twelvemonth before Mr. Hastings met him at Chunar. His misery and distress had increased. It was a twelvemonth after this miserable scene—a mighty period in the progress of British rapacity; it was (if the Counsel will) after some natural calamities had aided the superior vigour of British violence and rapacity; it was after this distress had become perfect misery; it was after the country had felt other calamities besides the English; it was after the angry dispensations of Providence had, with a progressive severity of chastisement, visited the land with a famine one year and with a Colonel Hannay the next; it was after he had returned to retrace

* Letter from the Nawab Wazir to Mr. Hastings, dated 24th February, 1780.—Printed in the "Minutes of the Evidence," p. 542.

the steps of his former ravages; it was after he and his voracious crew had come to plunder ruins which himself had made, and to glean from desolation the little that famine had spared or rapine overlooked—then it was that this miserable bankrupt Prince, marching through his country, besieged by the clamours of his starving subjects, crying to him for protection through their cages—meeting the curses of some of his subjects and the prayers of others, with famine at his heels and reproach following him—then it was that this Prince is represented as exercising this act of prodigal bounty to the very man whom he here reproaches—to the very man whose policy had extinguished his power, and whose creatures had desolated his country. To talk of a free will gift! It is audacious and ridiculous to name the supposition. It was not a free will gift. What was it then? Was it a bribe?—or was it extortion? I shall prove it was both. It was an act of gross bribery and of rank extortion. 3 JUNE 1788.

The first suspicious circumstance which I have mentioned respecting this transaction is the mystery and management with which it was conducted. I must say to your Lordships that these transactions are of that nature that it is utterly impossible that you can ever have clear and direct evidence upon them: it is not in the nature of such transactions that you should have that sort of proofs respecting them which are required to establish evidence of guilt of a different sort. What mode of discovery can be looked for? Is it expected that the natives themselves will disclose—that they will complain? No; you will see through the whole of the evidence, upon the whole of the records respecting these transactions, that it was thought the greatest infamy, as well as the greatest danger, in any one native of India ever to reproach the English with having received money. Hyder Beg states it as the last degree of infamy,—"No man can blast my character with asserting that I ever told of any money I had paid any English gentleman." Another, Raja Sing, when questioned about receiving a bribe, says,—"No; has not the Raja Nundcomar been hanged? The Raja Sing may meet with the same fate." No; that foul murder—for no power in this land shall close my lips from giving it that name—that strangled every complaint; that closed every mouth in India. To disclose was to ensure persecution, but to complain of it was to ensure death and destruction. Mystery of the transaction.

3 JUNE 1788.

Mr. Hastings' silence to Middleton and others on the subject of the gift.

It is a transaction of that nature in which, if there is mystery, if there is quibbling, if there is prevarication, their must be guilt. Measure Mr. Hastings' conduct upon the occasion by this test. When he received this money, which he says was for the public use, did he disclose it to any one person? did he inform Mr. Middleton, who was acquainted with his distresses and shared in his anxiety, as he says, for the want of money? Not one syllable! Mr. Middleton tells you that he never heard of this transaction till the account came of it from England. Did he write word of it to the Council? Not one syllable! He never once mentioned it; and they never heard of it neither till it returned from England. Was it that he was not in the habit of making such communications to the Council? Here we have direct proof that any assistance of a sum of money which he did choose to avow he writes an explicit account of to the Council. In that Narrative in which he invokes the God of truth, in the commencement, that he will reveal the whole truth and give a just state of all the transaction that passed in Oude, he feels himself bound as it were to mention a circumstance which is not connected, as he states, with the Narrative—to mention a generous assistance from one Beneram Pundit. He received the whole amount in the instance, and he adds "Examples of fidelity and national attachment merit the first reward of being recorded." He thought that this present of Beneram Pundit, for which he gave a note upon the Company, merited the first reward of being recorded; but the present from the Nawab, which it is clear it was never in his contemplation to confess, and he himself owns his motive for doing it when he does confess it, namely, that it could no longer be concealed, that which was ten times the sum, did not merit the first reward of being recorded. A dead silence accordingly prevails upon this present—his bribe of 100,000*l.* He never mentions it till after, and then he mentions it in this way:—"That fortune had thrown in his way a sum of a magnitude not to be concealed." That is the motive he gives for avowing it to the court of Directors.

His subsequent report of the gift to the Directors.

Are we to presume that, when a present is so confessed, the whole of the sum is really and truly confessed? Are we to admit as just reasoning that where something is owned nothing is concealed? If that is the doctrine, the clumsiest practitioner would always confess a small sum

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to conceal a greater. And then he gives a bribe to them to connive at the oppression and extortion of their servants. They do not much reprimand Mr. Hastings; for when he does confess it, I should inform your Lordships, as you perceive from the evidence, that he asks it for himself: he says he has been so many years in the service, that his fortune is not yet made, and he wishes to owe it to their bounty. After four months' concealment—never mentioning it or giving a hint that he received such assistance from the Nawab—he at last owns it, because he says it could no longer be concealed, and then asks it of the Company. He leaves out the distresses of Oude. He owns he did not go to share the prodigal festivity of the court of Lucknow, but to remedy by personal investigation the abuses which then existed. The first thing he does is, he leaves Calcutta in order to go to the relief of the distressed Nawab. The second thing he does is, to take 100,000*l.* from that distressed Nawab, on account of the distressed Company. And the third thing is, to ask of the distressed Company this sum on account of the distresses of Mr. Hastings. There never were three distresses that seemed so little reconcilable with one another.

He asks to be allowed to retain it for himself.

Though the Directors don't reprimand him much for taking the money, they don't choose to comply with his request. They shake their heads at his having received the money at all; but they say, inasmuch as he has applied it to their purpose it is very well, and desire that the money may be so applied and be strictly abided by. No man can defend the conduct of the Directors in this transaction. They knew the distresses of the Nawab, and that he owed them an immense sum at this time: therefore the honest thing would have been to have had that sum wrote off his debt to the Company.

The money claimed by the Directors.

There is only one ground of defence for the Directors—that, knowing the condition of the Nawab, they must have had a conviction that Mr. Hastings must have sold some right of theirs to the Nawab for this money. Nothing but a confidence in the treachery of the Governor General could afford anything like a plea. And in this they don't afford a plea for the Nawab; for no part of Mr. Hastings' past conduct would justify the supposition that he meant to keep his word. However, Mr. Hastings is to account for his having concealed it: he avows that he owned it only because it could no longer be concealed. When he accounts for it, he

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Statement of Mr. Hastings that the money was not paid at the time.

owns the present was not paid in money but in bills upon Gopaul Doss, a rich banker at Benares, who was then a prisoner in the hands of Cheyt Sing; therefore the money was of no use to him, for he was then writing, in January. "It has now been but in part, and that tardily, realized." Here seems something of a reason for his having concealed it; though not certainly a reason for his having taken it: for these must stand in opposition to one another.

Contradicted by Major Scott.

We come to Major Scott's evidence upon this subject. Major Scott is asked, "How came Mr. Hastings to take this money under pretence of paying the troops, when Gopaul Doss, being a prisoner in the hands of Cheyt Sing, he could make no use of it, and therefore it was no present advantage to him?" "Oh," says he, "Gopaul Doss is but one in a great house, and the bills were equally good. It is a house worth a million of money." So here Mr. Hastings first contradicts himself and then Major Scott contradicts him; for Mr. Hastings' justification for having concealed the present destroys his justification for having taken it, and Major Scott, in order to give a good reason for his having taken it, destroys the only reason for having concealed it. This ever will be the case upon such transactions. Perhaps Major Scott did not know that Gopaul Doss at that time was a prisoner. Taking Mr. Hastings' account of the transaction—that the bills were of no use—against Major Scott's surmise upon the occasion, will not do; for here we have it in proof that, before this, he assigns the very same reason—the bills being of no use to him because Beneram Pundit, from whom he had the money before, had given him bills upon Gopaul Doss, and then Gopaul Doss was a prisoner in the hands of Cheyt Sing. Therefore he was perfectly aware, previous to receiving this money, that it could answer no temporary exigency.

His omission to give an account of the transaction for a twelvemonth.

At last, an account is to be had of this present; and this it is expected no doubt will clear up whatever before appears suspicious in the transaction. Unluckily, however, no account upon the subject leaves India till a twelvemonth afterwards. He writes a letter in January, giving the first account of his having received the sum. He promises a specific account of the manner in which it was taken, the purpose and application of it, to be sent immediately; and he omits performing that promise till a twelvemonth afterwards. However there appears at last testimony that it was owing to a number of accidents—that the letter, which did not

leave India till January, had in fact been written in May; but a number of accidents happened that there was no getting this letter from shore. At one time it happened that the ship was not well enough manned to carry it. However a variety of circumstances made it impossible to ship this letter till eight months after it was written. Notwithstanding the constant intercourse your Lordships have heard, every fortnight, between Major Scott and Mr. Hastings overland, there appeared no possibility of getting this letter from shore till eight months after it was written. But, when it does come, it comes with a voucher (which will be examined when we come to the charge of presents) that it was written in May; because Mr. Hastings was aware that the delay of the letter did subject him to an odd sort of suspicion upon the circumstance; that there happened to have been Committees of the House of Commons, and notice gone to India that there was a cry after this letter. Those busy fellows that the Counsel have made objection to—those busy fellows that have the boldness to feel for miseries in which they don't share, and resent injuries of which they have not been themselves the victims—had got scent of this present at the time. 3 June 1788.

The account at last comes from India; and here, instead of finding anything that clears the subject, we find the mystery thicken through every part of it. In the first place, we find that the money was not given by the Nawab; for it is stated by Mr. Hastings that, though the ministers are mentioned, the sum was actually coming from the Nawab's treasury; for it was three different presents—a certain sum from the Nawab; a certain sum from Hussein Reza Khan; and a certain sum from Hyder Beg Khan. Contradictions to previous statements respecting the gift.

Next, we find it was not all given to Mr. Hastings, but an article of 10,000*l.* to Mrs. Hastings. And here I am glad to have an opportunity of clearing her from that circumstance, or any lady; the fact being that she was never at Chunar. She never did see Hyder Beg or Hussein Reza Khan; therefore in that transaction there must be some blunder, either on the part of Mr. Hastings or of the account.

The next thing is, that it could not be given in bills upon Gopaul Doss, but must be given in cash. You see by the batta that that must have been the fact, and that there is a suspicious and remarkable coincidence of circumstances with respect to the coins in which at last it was received and the treasures which were dug out of the houses of the Begums'

3 JUNE 1788. eunuchs. So here at last, when the account of the present does come, we find it was not given by the persons by whom it is said it was given; not paid to the persons to whom it is said to be paid; not received in the way stated; and there is no proof that it was ever applied to the objects to which it is said to have been applied. These are the circumstances attending a transaction in which I contend that, if there is mystery or equivocation of any sort, there must be guilt; because a plain man, meaning honesty, however he might think himself authorised, upon circumstances of great public necessity, to receive a sum of money, would take care that the circumstances should stand clear; that it should be avowed at the moment; and that there should be no room for suspicion on any part of the transaction whenever he did choose to avow it.

We produced evidence to your Lordships which seemed a little remarkable in another point of view, namely, the time in which this present was received, which was a few days after Mr. Middleton began to be in the receipt of money at Fyzabad. Now, admitting that Gopaul Doss was the person through whose hands this business was transacted, we also find these suspicious circumstances. We find in Mr. Middleton's letter-book a letter from Mr. Hastings recommending Gopaul Doss to Mr. Middleton, just at the time of his receiving the money from the Begum's treasuries. We also find Mr. Middleton's acknowledgment and determined attention to the wishes of Mr. Hastings. With respect to Gopaul Doss, there does appear also another odd circumstance—that here is a relation of Gopaul Doss at Fyzabad who has been ill-used by Behar Ali Khan, and Mr. Middleton has informed Mr. Hastings that he has released this man; and, this man having an account to settle with Behar Ali Khan, he would take care to see that settled. So here is this present concealed, as if it were treason, felony, and everything abominable, for four months, coming to light at last when it can be no longer concealed—confessed when the money began to be received. We find then a recommendation of the very man upon whom Mr. Hastings states the bills were drawn. We find Mr. Middleton avowing a relation of Gopaul Doss having an account with Behar Ali Khan. And, to crown all, we find Mr. Middleton, when leaving the residency, informing Mr. Bristow that a part of the balance remaining had been made over as a security to this Gopaul Doss.

Suspicious circumstances in reference to Gopaul Doss, the banker.

When your Lordships take into consideration the whole circumstances respecting this transaction, when you consider

the mystery and concealment of it, when you consider the various false pretences for delaying an account of it, when you consider the false accounts of it when it came, without alluding to the suspicious circumstances of its being a draught upon the treasure of the Begums, the result of the whole is that it is a foul transaction, and that the probability is that it was intended at the moment to be a part of his share of the plunder of those women who were then devoted to destruction. 3 June 1788.

My Lords, I have dwelt the longer upon this transaction of the present in order to show your Lordships what I conceive to have been the true source and origin of those wicked transactions. I want to strip the crimes which we charge upon this man of all that false glare which, in the eyes of weak and timid men, dazzle and produce a sort of false respect to guilt. I want to strip them of everything that can give dignity to crimes. I want to show your Lordships the coarse and homely nature of his offences. State necessity! No, my Lords: that imperial tyrant, state necessity, is yet a generous despot. Bold is his demeanour, rapid his decisions, and terrible his grasp. But what he does, my Lords, he dares avow, and, avowing, scorns any other justification than the great motives that placed the iron sceptre in his hand. But a skulking, quibbling, pilfering, prevaricating, state necessity—a state necessity that tries to skulk behind the skirts of justice—a state necessity that tries to steal a pitiful justification from whispered accusations and fabricated rumours! No, my Lords; that is no state necessity. Tear off the mask, and you see coarse, vulgar, avarice—private peculation—lurking under the gaudy disguise, and adding the guilt of libelling the public honour to the fraud of private peculation. Motives of Mr. Hastings not those of state necessity.

My Lords, I say this because I am sure the Managers would make every allowance that state necessity could claim upon any great emergency. If any great man, in bearing the arms of this country — if any admiral, bearing the vengeance and the glory of Britain to distant coasts—should be compelled to some rash acts of violence, in order perhaps to give food to those who are shedding their blood for Britain*—if any great general, defending some fortress, barren itself perhaps, but a pledge of the pride, and, with the pride, of the power, of Britain—if such a man were to . . . . . . while he himself was . . . . . .

* Alluding to Lord Hood's argument in defence of Mr. Hastings. See note at p. 449.

3 June 1788. at the top, like an eagle besieged in its imperial nest, would the Commons of England come to accuse or to arraign such acts of state necessity? No! But what would be the answer of such men, but this,—They did it: there was the motive of their conduct, and by that they would abide. They would scorn any man that should whisper it to them to endeavour to aid or prove their defence by miserable accusations—by blending it with vindictive justice; because they would know that real, honourable, state necessity would be as jealous of blending its justification with any claim or any plea of justice, as justice herself would be jealous and disdainful of suffering any plea of necessity to weigh one scruple in the balance of her decisions. I state this, not that that plea is resorted to here; because I also say that, if that plea should at last be resorted to, we will then show your Lordships, first, that no real state necessity existed; next, that no real state necessity was answered; and then, if any had existed and was answered, that it might have been answered by means less iniquitous, and simply by his abstaining from his own corrupt patronage and extortion.

The treaty of Chunar.

Having, as I conceive, given your Lordships what you will find to be a just and true clue to many of the transactions which follow, I come come now to speak of the celebrated treaty of Chunar.

Nonobservance of its conditions.

My Lords, I am sure it is in your Lordships' recollection the manner in which a question was put to Mr. Middleton upon this subject. I took the treaty and laid it under his eye at your Lordships' bar; and I asked him to point me out any one article of it that had been kept. Mr. Middleton stammered and faltered, and said he must recur to his papers and to his records. I then asked him if the only article which had been carried into effect was not that part signed by the Nawab, and which he had given him a solemn engagement never should be carried into execution. Mr. Middleton stammered and faultered again: the Counsel covered his retreat. I did not press the examination: I thought your Lordships felt the conclusion. I say positively that there never was such a mass of fraud in so small a compass since the world began; that there was not one article kept; that, it consisting of five engagements made to the Nawab, they broke them every one; and that the single article that was carried into execution was that which they prevailed upon him to sign under a solemn promise that it should never take effect. Mr. Middleton, however, agreeable to that character

your Lordships early heard of him, writing to Mr. Hastings, says he will model his public correspondence to Mr. Hastings' mind; he is ready to take the blame of every transaction; that, God willing, he will execute everything he is desired. Mr. Middleton, in that spirit of agency he seems in some degree to have brought over with him to this country, says, it is true he did engage the Nawab by making that promise, but he had no authority so to do. I beg your Lordships will recollect that examination.

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Assertion of Middleton that he had no authority to make the treaty;

The treaty was to be signed upon the 19th of September; the articles are settled; and, just as he is going to sign it, Mr. Middleton takes the Nawab and his ministers into the corner of the room, and uses these arguments to induce the Nawab to sign his part of it. He is asked, "Did not you tell Mr. Hastings before or afterwards?"—"No, not one word." "Did not Mr. Hastings hear? where were you?"—"In a small room. Mr. Hastings was about other business. He was talking to company: and really he had never informed him of the transaction at all." He states that he left Chunar the next day, and that in the hurry, being a thoughtless, careless man, he packed up originals, copies, and everything else, of these treaties, and carried them off with him. Your Lordships must observe (it was observed by a noble and learned Lord) that, four days afterwards, Mr. Hastings writes to Mr. Middleton, and states he enclosed a copy of this very treaty, of which Mr. Middleton said he carried off copies, originals and all. I shall show your Lordships that Mr. Hastings was no man's dupe—was no way imposed upon; but was the source and origin of all the fraud throughout. I shall show your Lordships that Mr. Hastings, after sending a copy to Mr. Middleton, writes to Mr. Middleton for a copy for himself; that he was in great anxiety to send an account of this to Calcutta.

and that Mr. Hastings was not informed of it.

Proof to the contrary.

This treaty of Chunar is represented by Mr. Hastings as having been made in the hour of warm gratitude to the Nawab; and he says he gave the most unqualified assent to every article, penetrated with gratitude for the recent instance of his attachment to the Company: his heart was open, and he gave his unqualified assent to every one of the articles. The object of the treaty seems curious enough. The first article in it—for I shall only mention those which are connected with my present object, and with the plea of state necessity and the rebellion—is, that we should withdraw the temporary brigade and three regiments of cavalry.

Mr. Hastings' assent to the treaty.

Object of the treaty.

Withdrawal of the troops.

3 JUNE 1788. This was at the time when this rebellion was supposed to be raging, and the whole country to be actuated by insurrection and disaffection, in consequence of the machinations of these Begums. The next stipulation is:—

Resumption of the jagirs by the Nawab.

"That, as great distress has arisen to the Nabob's government from the military power and dominion assumed by the Jaghiredars, he be permitted to resume such as he may find necessary; with a reserve that all such for the amount of whose jaghires the Company are guarantees shall, in the case of the resumption of their lands, be paid the amount of their nett collection through the Resident in ready money."

Recalling the English Resident from Furruckabad.

The third relates to Fyzula Khan, of which I shall take no notice. The fourth relates to the recalling the English Resident from Furruckabad. Here the Nawab seems perfectly to understand to what the distresses of his country were owing. But what is more material—and this is admitted by Mr. Hastings—the plea urged by Mr. Hastings, your Lordships recollect, for this extraordinary expedition was, by a minute and personal investigation into the affairs of Oude, to remedy the distresses of the Prince and the difficulties of the country. He meets the Nawab at Chunar. I will grant he was in an embarrassed situation, and he could not pursue his intended plan. Mr. Hastings abandons his original plan. All this minute and personal investigation is laid aside: the Nawab and he settle it in three words. The Nawab says:—

"I know my country is distressed. If you wish to grant me a remedy, at once sweep your countrymen out of my land. If you are my friend and wish me to be faithfully served, take away your own creatures from my court. If you would grant me protection, withdraw your arms."

Mr. Hastings' admissions of the Company's officers being a burden on the Nawab.

The propositions are sensible; they go to the root of the evil, on the part of the Nawab; and Mr. Hastings not only admits their justice, but makes a comment upon them, which your Lordships will find will be a full justification of many assertions we shall make in the course of this proceeding. He says:—

"With respect to the removal of the Company's servants, civil and military, from the court and service of the Vizier, I was actuated solely by motives of justice to him, and a regard to the honour of our national character. In removing those gentlemen I diminish my own influence as well as that of my colleagues, by narrowing the line of patronage; and I expose myself to obloquy and resentment from those who are immediately affected by the arrangement, and the long train of their friends and powerful patrons."

Your Lordships will observe the character and draw the conclusion with respect to the effects of the conduct of these

gentlemen, as described by Mr. Hastings; for I am not their libeller, nor should I think myself at any time warranted to have dealt in such general reflections; but— 3 JUNE 1788.

"Their numbers, their influence, and the enormous amount of their salaries, pensions and emoluments, were an intolerable burden on the revenues and authority of the Vizier, and exposed us to the envy and resentment of the whole country, by excluding the native servants and adherents of the Vizier from the rewards of their services and attachment."

His previous refusal to relieve him of them.

Here is certainly a just cause given to remove them. Your Lordships will think it extraordinary that, in a letter I read upon a former occasion, the Nawab had applied for relief, and had wished for this very remedy of removing the British army and the British gentlemen. It was then refused in terms of insult; but now, since this bribe was given, it is granted. Your Lordships will recollect Mr. Middleton says, he had induced the Nawab to sign his part of the treaty, in order that Mr. Hastings might have something to show in return; because it was not his interest or intention to show the real cause for granting it at the time—that is, this bribe. Whatever was his motive, corrupt or otherwise, the action was good. Do you believe for a moment he ever meant to do it? No such thing! Look to Mr. Middleton's evidence upon this occasion. I have it not in print here; but I shall quote it accurately from memory, and it must have left an impression upon your Lordships at the time. When asked as to the private orders he had from Mr. Hastings to place people upon the Nawab's list as to pensions, &c., he first said it would criminate himself, and therefore refused to answer the question: he trembled at the idea of criminating himself. Your Lordships paused a moment: you told him he must answer it. And here it appeared that his horror of making the confession had destroyed all idea of the fact—had deprived him of all recollection of it. However, he does at last recollect the fact; he says, "Not orders from Mr. Hastings? by no means; but recommendations I did to be sure receive, I believe." Your Lordships know what the recommendations of Mr. Hastings, either to Mr. Middleton or the Nawab, mean. So here your Lordships see that, at the very moment he had received a bribe from the Nawab,—when he had made him buy indemnity from future extortion,—when he had made a solemn covenant with him to remove those people that excited the envy and resentment of the whole country,—at that very moment, he

His intention not to fulfil his subsequent engagement to recall them.

Middleton's evidence.

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provides for the continuance of all he should think proper. But what makes it the more extraordinary is, the ostentatious remark Mr. Hastings makes afterwards upon his own conduct on this occasion. He says, "I have spared no friends of my own." Instantly, as he made this lofty, Roman-like, declaration, Mr. Middleton no doubt standing astonished at his heroism and disinterestedness, and knowing nothing of the secret of the 100,000*l.* as your Lordships recollect,—the instant he has done this, turning to Mr. Middleton,—"Go, sweep these people out of the country; they take money—take presents from the Nawab; they are an intolerable burden upon his revenues; I am distressed at hearing of it; my purity will not suffer it any longer. Turn them out of the country." But, before Mr. Middleton can ask an explanation of the cause of this disinterestedness, he puts a private paper into his hand,—a list of persons to continue. He says he spares no friend nor friend's friend, in this very Narrative, written under a solemn appeal to the very God of truth for the truth of every word of it. At the moment he is taking credit for this act of disinterestedness, he is taking means to have the whole of this fraudulent and secret patronage to himself, which was before divided with Sir Eyre Coote and others.

Affected surprise of Mr. Hastings at the non-execution of the engagement.

I am aware there do appear letters of Mr. Hastings in which he calls aloud to Mr. Middleton to know why this part of the treaty had not been executed, and expresses his surprise to hear the gentlemen were still in the country: but will any person who has seen the purport of private and public letters of Mr. Hastings pay any credit to these? What could be more solemn than the treaty itself? Where could there be a more clear, decided, engagement to remove every person but the Resident's office? And yet, by the testimony of that very Resident, you learn that at that very moment he was providing for and protecting his own creatures, which amounted to almost all that he chose to save from this general proscription.

Letter of the Nawab, showing the English had not been removed.

Written some years after the treaty.

As a proof that Mr. Hastings never had performed his part of this treaty, and that the persons still swarmed at the Nawab's court, and still remained that heavy and intolerable burden which Mr. Hastings states them to have been, we read a letter which I did not intend afterwards to have taken notice of, but from an observation of the learned Counsel—I mean a letter some years afterwards, in which the Nawab still complains of the number and the weight of these gentle-

men upon his finances. The Counsel begged your Lordships to observe that this letter was written after Mr. Hastings had left Lucknow the second time, and was on the point of returning to England. I thanked them for the observation. I wished your Lordships to observe that very circumstance—that this letter was not written at the time or soon after the treaty of Chunar, but that it was written after Mr. Hastings had continued some years afterwards in the government, and shows that there had never been any serious attempt made to carry that part of the treaty into execution. 3 JUNE 1788.

The Wazir mentions the circumstance in a manner at once touching and in some degree diverting too. He writes to the Governor General:—

"With respect to the [expenses of the] gentlemen who are here I have before written in a covered manner. I now write plainly that I have no ability to give money to the gentlemen, because I am indebted many lacs of rupees to the bankers for the payment of the Company's debt. At the time of Mr. Hastings' departure, I represented to him that I had no resources for the expenses of the gentlemen. Mr. Hastings, having ascertained my distressed situation, told me that, after his arrival at Calcutta, he would consult with the Council, and remove from hence the expenses of the gentlemen, and recall every person except the gentlemen in office here. At this time, that all the concerns are dependent upon you, and you have in every point given ease to my mind according to Mr. Hastings' agreement, I hope that the expenses of the gentlemen may be removed from me, and that you may recall every person residing here, beyond the gentlemen in office. Although Major Palmer does not at this time demand anything for the gentlemen, and I have no ability to give them anything, yet the custom of the English gentlemen is, when they remain here, they will in the end ask for something. This is best, that they should be recalled."*

I thank the Counsel for reminding me to observe to your Lordships that this letter was not written immediately after the treaty of Chunar; that it was not written when Mr. Hastings, under the pressure of great business, possibly might not have had it in his power to enforce an execution of that treaty; that it was written when it was so easily in his power to uproot these gentlemen, who no doubt shot deep in the luxuriant soil of Oude, and disliked removal to the more barren soil of Bengal; that it was after he had paid a second visit to the Wazir; after he had had a second personal interview—which was the way he liked to do his business in that country; I will not say after he had a second bribe, because I will not say what I cannot prove; but it

* Letter from the Nawab to Mr. M'Pherson; received 21st April, 1785.—Printed in the "Minutes of the Evidence," p. 544.

3 JUNE 1788. was after he had entered into a second solemn engagement to remove them out of the country. Here we find they were left as heavy a weight upon the Nawab as ever—left there with as keen an appetite though not so clamorous. They were reclining on the roots and shades of that spacious tree which their predecessors had stripped branch and bough, watching with eager eyes the first budding of the future prosperity and of the opening harvest which they considered as the prey of their perseverance and rapacity. We find these gentlemen, years after the solemn engagement with the Nawab, left in Oude: and undoubtedly, according to the idea which the Nawab seemed to have had of the qualifications necessary to gentlemen in his country, having given that great present to Mr. Hastings, he must have considered him undoubtedly as the finest gentleman of the whole crew. But this is a fact, that no attempt was made to execute this material part of the treaty which the Nawab had paid for and Mr. Hastings had himself accepted the price of. Upon the subject of removing the army Mr. Hastings also gives a reason which is extremely material. I would first however observe, that [with respect to] the enormous amount, as Mr. Hastings states, of the emoluments and pensions of these gentlemen, supposing a great state necessity had then existed (but none existed, for they had heard of the Mahratta peace and the success in the Carnatic), but I mean the necessity of troops [money ?]—if he had removed that by withdrawing the troops, the end might have been answered without the iniquitous transaction of plundering these Begums.

Mr. Hastings' admission of rapacity of the English army in Oude.

Mr. Hastings gives this reason for removing the army :—

"The remote stations of those troops, placing the commanding officer beyond the notice and control of the Board, afforded too much opportunity and temptation for unwarrantable emoluments, and excited the contagion of peculation and rapacity throughout the whole army. A most remarkable and uncontrovertible proof has been seen of this in the court-martial upon Captain Erskine, where the court, composed of officers of rank and respectable characters, unanimously and honourably—most honourably—acquitted him upon an acknowledged fact which, in times of stricter discipline, would have been deemed a crime deserving the severest punishment."

I am not the libeller of the British army here; but I do claim a right to have the advantage of these arguments against Mr. Hastings, and against the false pretences he afterwards sets up in order to account for the insurrections and the disaffection of that country. Your Lordships perceive here that he states that such a rage of peculation and

rapacity had pervaded the whole of the army that even actions are called most honourable which ought to be punished with death; and this he gives as a reason for withdrawing the British army out of Oude. I shall only remind him of that argument when he comes to lay before your Lordships false reasons for the discontent and hatred of the natives to the British name in that country. 3 JUNE 1788.

Other articles of the treaty disregarded.

With regard to the other articles of the treaty, it is only sufficient to show your Lordships that they were not one of them kept. The Nawab was to resume his right—there he slipped in the words "when time shall suit"—"by which," he says, "I mean, never:" and with respect to the Nawab of Furruckabad, he admits he broke the whole he stipulated with the Nawab concerning him, and that the Nawab was vexed and dissatisfied with him upon that account.

Stipulation of right in the Nawab to resume the jagirs.

With regard to this most material article of it—the resumption of the jagirs—your Lordships will perceive that, in the second article, there is not one syllable said of resuming the treasures. It is only stipulated that if the jagirs were resumed from any persons who have the British guarantee, they should be intitled to a full equivalent. Mr. Hastings asserts that the Nawab himself had in view only the resumption of the jagirs of his mother. And now I wish your Lordships to attend to that spirit of fair dealing and that good faith with which Mr. Hastings deals in his political negotiations. Mr. Hastings' account of himself upon this subject is:—"My political conduct was invariably regulated by truth, justice and good faith." He says, "truth and plain dealing are all the arts I ever used in my political negociations."

Mr. Hastings' account of the engagement.

Now I wish your Lordships to observe his own account of this one article — the second article — respecting the resumption of the jagirs. The Nawab's stipulation is plain and clear, that he should be permitted to resume such of the jagirs as he should judge proper: and hereafter a great deal, your Lordships will observe, will turn upon the construction of that article; if it can be supposed in the mind of any person, but Mr. Hastings, to admit a doubt of what the Nawab's meaning was when they signed that article. Mr. Hastings' observation in his Defence upon that article is this:—

"When the Nabob so earnestly desired my sanction for the resumption of the jaghires he certainly had in view only the Begums and a few others of magnitude, which he considered protected either by the guarantee or favour of the Company. He could not be supposed to ask

3 JUNE 1788. my sanction to the resumption of grants in which the Company's faith was by no means concerned; but"—

here comes his good faith, simplicity and plain dealing—

"being aware that his Excellency intended a partial resumption, reserving the jaghires for his particular favourites, who from their character and conduct ought to have been the first proscribed, I determined to defeat the design"—

This is the unqualified manner in which in the hour of gratitude he gave his consent to the Nawab's requisition—

"by advising him to make the resumption general: and he engaged to follow my advice."

Here your Lordships are to believe that the Nawab, against the letter and spirit of a written agreement, made a verbal codicil or comment contradicting the whole tenor of the written engagement:—

"He engaged to follow my advice. The consequence of this his Excellency did not at the time advert to; but, when he discovered that, by the spirit of the agreement and my determined adherence to it, he was precluded from showing any partiality, and moreover that the produce of the jaghires when resumed, instead of coming immediately into his possession, was to be appropriated to the liquidation of his debt to the Company, for which I expressly stipulated, he became indifferent and even apparently averse to the resumption."

His deceitfulness towards the Nawab.

Now, my Lords, are we to believe Mr. Hastings upon this subject? Is it possible that, at the moment his heart was open, when he was influenced, he says, by gratitude for the recent and extraordinary attachment of this man—is it possible that he was really duping so poor an idiot; that, when he drew him in to make a promise, the effect of which he owns he did not see—that, when he proposed to resume all the jagirs—that he did not see that he could spare ought—he was duping a man so poor in understanding as this Nawab, who had conferred such a recent obligation upon him? But, if he was, what are you to infer of the good faith of Mr. Hastings, who drew him into a promise, the effect of which he did not see at the time, and afterwards, when he did see it, he says "I peremptorily insisted upon his performance?" This is the good faith of that man — the conduct of him whose declarations are, that truth and plain dealing are all the acts he ever used in his political negotiations. Upon my word, it would be matter of curious speculation to consider what sort of treaty Mr. Hastings would make when you come to him in the hour of cool and crafty policy, if this was his conduct when his heart was open. I should say of such a man—"Let me deal with him at any time but when his heart is open; let me come to him when his hardened heart is [closed?], but

rescue me from the effusions of his generosity. Let me come to him at any other time but when his heart is open; for it was in that hour when this treaty was made—a treaty which, I will venture to say, outmatches all the records of all the recorded negotiations of the world—a treaty commenced in corruption, conducted by fraud and concluded by violence. 3 June 1788

Such is the end and such the history of these fair dealings of this upright man with respect to the Nawab and the treaty at Chunar. After he had concluded this treaty he parts with the Nawab. And now—just as it occurs to me—with respect to that part of the treaty which they engaged the Nawab to sign, upon a solemn promise that it should never be carried into execution. Your Lordships, I am sure, recollect the examination upon that head. It seemed extraordinary that Mr. Hastings should want anything in return from the Nawab; for though he had sold him the terms, he had sold him nothing but what justice required him to have granted. However, as Mr. Middleton says, it was necessary he should have something to show. The purport of the article drawn from the Nawab is neither more or less than this—that he should surrender up to the British Resident completely the management of his treasury, and, with that, the care of the whole management of his country. Now, upon the face of it, it is impossible that the Nawab, who is buying the army and buying the English out of his country—who is stipulating for freedom—should knowingly sign a compact which would fasten his fetters and give him slavery instead of freedom: that, upon the face of it, is impossible. However, Mr. Hastings' reasoning upon the subject seems to be this—that, when he found a prince, like the Nawab, who could be, in the first place, so extravagant as to make him such a present, and, in the next place, so weak as to expect he would keep the terms to which he was bribed, such a man was not fit to have the management of his treasures; such a man could not have his vassalage too much confirmed; and therefore he draws this covenant from him, which defeats every part of the spirit and letter of the rest of the treaty. But Mr. Middleton says he had no orders from Mr. Hastings to make that promise. He cannot escape so; because, if your Lordships observe, Mr. Middleton, in this celebrated public letter, and

Enggement of the Nawab to surrender to the Resident the mangement of his treaury.

3 June 1788. in his private letter accompanying it,* in both of these states,—

Mr. Middleton's assurance to the Nawab that the engagement was not to be enforced.

"Though I do assure you I myself represented to his Excellency and the ministers, conceiving it to be your desire, that the apparent assumption of the reins of his government—for in that light he undoubtedly considered it at the first view—as specified in the agreement executed by him, was not meant to be fully and literally inforced; but that it was necessary you should have something to show on your side, as the Company were deprived of a benefit without a requital; and upon the faith of this assurance alone, I believe I may safely affirm, his Excellency's objections to signing the treaty were given up."

That is in his private and confidential letter. This might have been a confidential communication, and the fact might have been that he had not instructions from Mr. Hastings; but in this public letter he says,—

"I conceived your interference in the Nawab's government tended solely to establish the means of the most speedy payment possible for the Company's debt; and that, whenever this should be accomplished, every shadow of interference was to be desisted from; which I stated to the Nabob and the ministers, and I believe upon the faith of this assurance principally was his Excellency's acquiescence obtained."

Degree of authority given by Mr. Hastings to Middleton to make such assurance.

I don't mean to say he had direct instructions from Mr. Hastings; that he told him to go and give that fallacious assurance to the Nawab; that he had that order under his hand. No; watching Mr. Middleton's correspondence, you find him say upon a more important occasion, "I don't expect your public authority for this: it is enough if you but hint your pleasure." He knew him well. He could interpret every nod and motion of that head. He understood the glances of that eye which sealed the perdition of nations, and at whose throne princes waited in pale expectation for their fortune or their doom. It appears that it never was necessary for Mr. Middleton, through the whole of this business, to have any direct order. It is enough that you but hint either through Sir Elijah Impey or any other means; that a hint, a nod, upon any such subject was enough to convey the true meaning to Mr. Middleton's mind. But, in order to prevent Mr. Hastings escaping from being responsible for this treachery to the Nawab, I ask this question,—

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* The Public and Private Letters referred to are both dated on the 30th of December, 1781, and are printed in the "Minutes of the Evidence," pp. 527, 529.

When Mr. Middleton made the communication to Mr. Hastings—when he told him that it was upon the faith of this assurance alone that he signed it—and observe Mr. Middleton says, "conceiving it to be your desire"—he does not say he did it upon his own authority, but he desires to know if he has understood him—"my conception of your meaning was so, and upon that I gave that assurance"—then what would a man clear of the transaction have said?—"You did misunderstand me. Don't persist in the execution of that treaty; it is not my intention: and, since the Nawab has been falsely and fraudulently drawn in by your misunderstanding me to execute that treaty, which he never would have otherwise executed, stop your hand." Was this the case? No; there is no disavowal of Mr. Middleton's construction of the hint or nod. No; but, after this letter, he bids him carry this point and this alone of the treaty into execution. Therefore it is nothing to me whether it is proved or no that he gave orders at Chunar for that transaction. I say that, after he received this letter and did not disclaim it or stop the treaty, from that moment he became responsible for it; as much so as if Mr. Middleton had had authority from him under his hand for taking the Nawab up into the corner and making him this promise. 3 JUNE 1788.

After their parting at Chunar, I shall pass by other circumstances that occurred till the day upon which Bidjey Ghur was taken. Your Lordships have here the evidence of Sir Elijah Impey with respect to the state of mind in which he found Mr. Hastings. I do believe that a correcter history was never given. Sir Elijah Impey states that he found him in great distress. He says that he had two resources—Oude and Benares: at Benares he had failed. My Lords, I date from that moment—from the moment that he failed at Benares: I mean failed of the treasure, in the capture of Bidjey Ghur—that instant he first determined upon the monstrous, extravagant, idea of accusing these miserable Princesses for the purpose of plundering their treasures.

The design of seizing the Begums' treasures suggested by the failure of Mr. Hastings to secure the plunder of Bidjey Ghur.

I don't mean to say but that, even before he left Calcutta, he might have had an eye to that only deposit, after Benares, in which there was anything to gratify British rapacity. I don't mean to say he had not an eye to it, considering it as reserved for some future time of exigency. That he might have had an eye to it is probable at the time he signed the treaty at Chunar; and with a view

3 JUNE 1788. of settling the money for his own present through the means of Gopaul Doss, if he could not get it from Bidgey Ghur. But he never thought of imputing to them the design of dethroning the Nawab, their son and grandson, and extirpating their benefactors the English; he never thought of it till that day when he was disappointed, when he failed, as Sir Elijah Impey says, of his object at Benares. Then I believe he did find him in deep distress; he found him disappointed in what he states at setting out as the necessary object of his journey; he found him disappointed in that which, through the whole of his correspondence, he states he dare not return to Calcutta without—he dare not write to the Directors without it. In one respect his heart had been gratified; he had been revenged on Cheyt Sing. The man who had offended his pride fell a victim to his vengeance: he was a miserable wanderer at that time, expelled from his country—a fugitive before his anger. He had chastised his subjects that had loved him; he had even provided for the future desolation of the soil that had prospered under his gentle reign; he had had the last vile satisfaction of a mean mind, without which the vengeance of it cannot be complete—he had brought him in abject submission to his feet, and spurned him while he grovelled in the dust. Yet his prodigal malice—his expensive revenge—had defrauded his rapacity. Major Popham in some respects rightly catching him at his word, by the evidence of Mr. Calcraft, they [the troops] had divided the spoil. They laughed at his project for resumption; they doubted his credit for the loan; they refused him at all terms.

His vengeance on Cheyt Sing.

Having committed an act of barren vengeance and unprofitable hate, yet still the great object of his journey, which was to buy him indemnity for his crimes, which was to enable him to bear his countenance up to his venal masters —that remains to be attained. See then how fast the plot goes on. On the 10th of November he is disappointed of treasures at Bidjey Ghur. The last letter to Major Popham is upon the 14th. Then he is hopeless. The very next day Sir Elijah Impey darts to Lucknow with an order of destruction, of confiscation, against the Begums, and a second order to gather matter to justify the act afterwards. This is the progress of the business.

On the disappointment at Bidjey Ghur, Sir Elijah Impey is ordered to collect evidence against the Begums.

Upon the subject of Sir Elijah Impey being the person to execute this I will say but little, my Lords; I should

Reflections upon his

say less but that Sir Elijah Impey has thought it decent and dignified perhaps to enter what he has called a protest upon your Lordships' minutes, because the Managers, as he said, had accused him where he could not answer. My Lords, Sir Elijah Impey forgot himself; he forgot the court he spoke to, and forgot the character of the prosecutors. It was not the Managers but the Commons of Great Britain who have stated that—not as a charge against *him* as he says, but as matter of heavy and bitter aggravation against Mr. Hastings; that he should have employed such a man in such a deed; that a man who bore out the charter of justice from this country, who was sent to be a type and model of the dignity of British justice, whose situation was such as to claim from him a peculiar decorum over even the actions of his domestic life—for such a man to be the tool and pander of vengeance in such a cause against such a person, and working with such instruments!—My Lords, I will not press upon that subject further. I forbear, not from respect to Sir Elijah Impey, which I will not be such an hypocrite as to pretend to feel, but from respect to those who, filling and adorning the judgment seats of this country, must feel for the degradation of any man who has borne a similar rank and character in any place. However, Sir Elijah Impey executes his commission; and then he brings back that mass of evidence which Mr. Hastings has had the repeated confidence to build and rest his whole justification upon, as what he calls complete, perfect and legal, evidence against the Begums; what he states so in his answers; what he states so in the minute of Council. When Mr. Stables proposed an inquiry, "What further information can you get?" says he, "You have attained a full, perfect, complete, competent, information from persons best qualified to give it—from persons on the spot."

3 June 1788.

employment in such a commission.

Character of the evidence against the Begums collected by Sir Elijah Impey.

I will fairly own that, when first I thought of addressing your Lordships in this cause or in any part of it, it was not my idea to have meddled with a single particle of that evidence. I did observe, in Mr. Hastings' answers to your Lordships, he had avoided that spirit of recrimination and those violent accusations againt these ladies; as I think the only thing he says upon the subject is, that upon the 19th of September he had sufficient reason to believe that their conduct had been such as to justify signing that treaty. These are the expressions; and, my Lords, I own I did give credit to the learned Counsel—I thought it answered to the

JUNE 1788. general high character which I understood they bore in their profession—I did give them credit for having stopped him upon this subject. I thought they had advised him not to have recourse to that miserable expedient of accusation against the Begums, because I thought that was meant to be abandoned. And, above all, I thought they did mean to abandon what they call affidavits and testimonies as legal evidence, or as any sort of matter that could influence the mind of any reasonable or honest man to any one act whatever. I gave them credit for it. I was sorry, in the course of the cross-examinaton, to find I was mistaken: and therefore I must comment upon that evidence. And I do take upon me to say that, when I have but lightly gone through it—I trust your Lordships don't think me capable of such coxcombical presumption from any observations I am capable of making upon it, but merely drawing your Lordships' attention to it—I will venture to say that, if they were again to set them up as just, honest and legal, testimony, your Lordships would show your indignation in tearing and scattering such testimony about your floor—and that the Counsel would not stoop to pick up the fragments of it.

I shall now come to speak upon this just, legal and competent, testimony. But, before I do that, I shall say a few words in respect to the manner in which this testimony was collected: and here I must, however reluctantly, introduce Sir Elijah Impey to your particular notice.

Observations on Sir Elijah Impey's evidence.

My Lords, there certainly were some peculiarities attending the principle rather than the manner upon which Sir Elijah Impey gave his evidence. He certainly spoke plainly and directly—unlike Mr. Middleton. But one question was put to Sir Elijah Impey,—he stated that he had answered to a fact without considering the consequences. We naturally asked him whether it was his custom to consider the consequences before he consulted his memory as to a fact. However, Sir Elijah Impey afterwards, upon speaking pretty peremptorily to some things which had happened, stated that he did not speak of them as accurately recollecting the facts themselves, "but," says he, "it was in the ordinary course that I should have done so"—such, as in the taking the affidavits at Lucknow, when he swore the Hindus, he did not recollect anything of a brahman, a bason and the Ganges—"but, that being the ordinary course and proper to be done, therefore I did it." I beg to be understood as not meaning to throw any imputation upon Sir

Elijah Impey as to concealment, but merely to show the fallibility of his evidence. I mean to treat him fairly, though not always with seriousness. When he states the ground of his memory that, a thing being in the ordinary course and proper to be done, his memory is probably correct that he did that thing, what follows? Why that he must give me the other side of the argument, and that when I see a thing that is improper—improbable—to be done and very much out of the ordinary course, then I have a right to assume that possibly Sir Elijah Impey, according to his own rule of judging of evidence, may not be extremely correct and accurate with respect to that transaction. Therefore, when I meet with anything in his evidence coming under this description, I shall merely observe that it is extraordinary, and leave it to your Lordships to draw a conclusion or not according to Sir Elijah Impey's own rule upon the subject. 3 June 1788.

Sir Elijah Impey states that, upon his meeting with Mr. Hastings, Mr. Hastings informed him that the Begums were then in actual rebellion. I am speaking now of that part of his testimony which he repeated at your Lordships' bar. Admitting the distinction and recollection he made upon one part only of that evidence, stating that the rest of the evidence was correct, he admits that such a conversation as he stated to the House of Commons did pass between him and Mr. Hastings; that Mr. Hastings stated that the Begums were then in actual rebellion; and he put it as a proposition to Sir Elijah Impey—and which Sir Elijah Impey calls an abstract proposition—whether or not a sovereign is not justified in taking away from his subjects in rebellion the means by which they support that rebellion against him? I never heard or read of a judgment given upon sounder grounds than Sir Elijah Impey's answer—"Yes, he would be justified." But Sir Elijah Impey states in this evidence five several times that the Begums were stated then to be in actual rebellion—this being in November, when he joined Mr. Hastings. He states twice at your Lordships' bar that the Begums were then in actual rebellion; but afterwards, when he comes to an explanation of another matter, he says he did not understand them to be then in actual rebellion, but that they had been in rebellion, and the country was then unquiet. I believe I shall be thought to do so fairly when I say I will let go five assertions that they were in rebellion in the House of Commons His contradictory evidence respecting the Begums rebellion.

3 JUNE 1788. and two before your Lordships, and take him upon the eighth recollection before your Lordships that they were not in rebellion then, but that the country was not quiet; but I cannot grant the reasons for which he makes that amendment, because one is improbable, the other impossible; because he says, "When I said before the House of Commons they were then in actual rebellion I had not adverted then to two circumstances—I had not adverted to a letter Mr. Hastings had written to me from Chunar, in which he mentions the troubles at Fyzabad being quieted." This is the circumstance which I state as a hard task upon one's credulity actually to believe; because Sir Elijah Impey, when he gave that evidence in the House of Commons, had previously given in this very letter. He had been desired to search for the letter respecting the Begum's rebellion. He comes to the bar of the House of Commons, and says—"I have looked over all my papers, and all that relate to the Begums I have brought;" therefore he gives in the letter first, and then we are called upon to believe this—which I don't say is not the fact, but it is an improbable circumstance—namely, that Sir Elijah Impey, while he had the letter in his power and while he did acknowledge he had examined the letter, had not adverted to a single circumstance related in the letter; but that, when it was out of his power, then he did advert to it: that I state as an improbable ground for having made this eighth recollection. The other is an impossible ground. He says—"I did not recollect my having proposed to go round by Fyzabad, which I could not have done if I had heard the Begums were then in actual rebellion." But how stands the fact?—Why, in the House of Commons, he states his information of their being in actual rebellion being an answer to his proposition of going round by Fyzabad; so that, instead of its not being in his contemplation, it was the very circumstance that produced that information; and he does not seem aware that in both instances, whether the country was unquiet from rebellion or that the Begums were in actual rebellion, he states it as his proposition to go through Fyzabad, by which he got that information; and he seems to forget that the answer is more to the purpose, namely, that the country had been in rebellion but was then quiet. But be that as it may, I give all that up and receive his last explanation—that there had been a rebellion, as notorious as the rebellion of 1745 in London, and that he offered to

go round to Fyzabad. Now the first odd circumstance that occurs is, Fyzabad being considerably out of his way; and he tells us he went with the utmost expedition, and travelled night and day. Now it seems an odd proposition, especially considering the business he was going upon, that it should ever come into his head to go round by Fyzabad, considering he bore with him a warrant for probably the destruction —certainly for the confiscation—of the Begums' treasures. However he gets as fast as he can to Lucknow, and then he offers again to come back through Fyzabad. He forgets the warning he had received a few days before that the country was still unquiet from this atrocious rebellion; and, unless it had luckily happened that he had found friends at Lucknow more cautious than himself, this giddy Chief Justice would have got into the very focus of the rebellion. That being the case, he avoids it and comes the straight road, being equally in a hurry to come back. 3 June 1788.

This circumstance is observed to Sir Elijah Impey. His answer is—"To be sure it is out of the way, but it was a pleasanter road"—as if it was a matter of pleasure—a pleasant embassy he was going upon. He represents [himself] as some cheerful schoolboy, running upon an innocent errand—wishing to choose the primrose path, to loiter on the way and idle in the sunshine: whereas the business he was going upon was of the most serious if not the darkest grain and nature. He was carrying a warrant in his pocket at that moment for the accusation, for the condemnation, possibly for the actual destruction, of these Princesses. Now it does seem a most extraordinary circumstance—and we are puzzled what we are to think either of the prudence or of the feelings of Sir Elijah Impey—that, with this warrant in his pocket, with only two or three domestics, as he states himself, he should offer to have gone out of his way, to have run such a risk, or that he should wish to gratify any feelings by seeing that court he was going to desolate—by seeing the walls of that palace, which walls were to be pierced by the shrieks of famine—by seeing those Princesses whose treasures were to be plundered, and those ministers who were to be loaded with irons. This must give one an extraordinary opinion—be the road however pleasant—of the feelings and imaginations of Sir Elijah Impey. But whether these circumstances are probable, and, if not, whether Sir Elijah Impey is perfectly accurate in the circumstances according to his own rule of recollect-

3 JUNE 1788. ing them—I will not take upon me to say; but this I do implicitly believe, that, if he did offer to go to Fyzabad, Mr. Middleton and Mr. Hastings warned him to avoid that road. Yes—I believe they would have advised his going any other way; because there they knew he must discover that damning proof of the falsehood of the accusation; for there he would have seen that the most welcome man at Fyzabad was the friend of Mr. Hastings; he would have seen copies perhaps of those letters of Colonel Hannay and Captain Gordon which are decisive proofs of their innocence. I therefore believe that, if he had made the proposal, they would have advised him to go over the thickest jungles and barren deserts of Barraitch, and the rugged and rebellious . . . . . . of Goruckpore, [rather] than go there, where he would have found the fullest evidence of the foul conspiracy of those that employed him, and the perfect innocence of those he was going to accuse.

Assertion of Sir Elijah Impey that, on arriving at Lucknow, he did not inform the Nawab of the object of his mission.

Be the fact as it will, Sir Elijah Impey goes upon the errand of taking these affidavits. When he gets to Lucknow he is naturally asked whether he informed the Nawab or his minister, who made a deposition before him, of the object and purport of his journey—the great and important object, as it was, of the discovery of, or the means at least to punish, the rebellion which had for its object the dethroning the Prince and extirpating his friends the English. Sir Elijah Impey tells you he did not; it was not his business—Sir Elijah Impey is certainly a nice, precise, character, and strictly careful to confine himself to his department—that it was that brought him to Lucknow upon this occasion. It was his business to lend himself for such a purpose to Mr. Hastings, but not his business to converse with the Nawab or Hyder Beg upon the subject.

The next extraordinary circumstance is, he was asked, whether the Nawab, seeing a man of his consequence a thousand miles from the place where he must be supposed to be as stationary as himself, coming up in that manner to his capital, and taking the deposition of his minister Hyder Beg [made no reference to the object of his visit]? He is asked what they said about this rebellion, the object of which was the dethroning the Nawab and extirpating the English? He says, he never heard one word about it; he never heard it mentioned: such was the punctilio of the country. A most extraordinary punctilio. The Nawab is a model for all the Kings of Europe in point of want of curiosity: that Sir

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Elijah Impey should be taking these depositions, and the object of it being nothing less than marching an army in force to attack the palace of the Begum and seizing her treasures; that he should never have a word of conversation with the Prince, the object of the conspiracy, nor the Minister who was to revenge the treason: such was the punctilious etiquette of the country.

His assertion that Mr. Hastings put no questions to him concerning the affidavits, on his return.

But the most extraordinary etiquette is when he comes back to Mr. Hastings. And here he is asked whether Mr. Hastings and he did not talk upon the subject of the affidavits; whether he had not any conversation upon the nature and force of them? He had advised Mr. Hastings to procure this testimony for his own justification: the most natural thing in the world, it should seem, would have been—though Sir Elijah Impey asserts he never had read any one of the affidavits while he was at Lucknow—that Mr. Hastings would have inquired into the strength of that testimony, to see whether it brought any new lights—whether it answered his expectation or not. "No;" says he, "Mr. Hastings never said one word of it." Here Mr. Hastings stood upon punctilio as much as the Nawab. As he was the representative of a great King, he thought it was not right to be outdone by the Nawab: he stood upon punctilio as much therefore; he said not a word about it. This I must state also as a circumstance a little extraordinary.

His assertion that he, himself, never looked into the affidavits.

But Sir Elijah Impey says he never looked once at one of the affidavits: and this of course I do certainly implicitly believe; though it is an extraordinary want of curiosity that he never should have endeavoured to know what their contents were. However, afterwards he says that, in consequence of an examination before the House of Commons, he did look at those affidavits. Here the Managers turn a little short upon Sir Elijah Impey, and say, "What book did you look into,—the Narrative?"—"No; not the Narrative." "What, then?"—"Why, it was a report of the House of Commons." The reason given by Sir Elijah Impey upon this is an extraordinary one, and I feel myself called upon to take notice of it; because, in his evidence, I stand charged by name before your Lordships with having endeavoured to mislead him. I suppose this was one of the snares he afterwards refers to, that had been laid for his imprudence. It was respecting there being or not any sworn interpreter to the affidavits: he says,—"Mr. Sheridan, one of the Honourable Managers, examined me from a book in his hand"—

3 JUNE 1788. and then, from my looking at this book, he concluded that there was a sworn interpreter. Now how any Manager or member of Parliament looks into a book to show that there was a sworn interpreter to an affidavit I must leave to such great physiognomists as Sir Elijah Impey to determine. But then I not only looked as if I saw there was a sworn interpreter, but I looked as if I was certain it was not Major Davy. Now that there never was a more intelligent look given than that I leave to your Lordships' observation. He discovers this; how did he discover that there was no sworn interpreter? Here it is; he owns he did look into the Narrative. Here the Managers prick up their ears, and turn round and ask—"What book did you look into,—the Narrative?"—"No; a Report of the Select Committee, in which the Narrative is contained." "Then you have looked into this Narrative?"—"No," says he, "I shall not be caught in a falsity; for though I looked at the affidavits I only looked at the tops and bottoms; I never looked into the middle of them." Here we are not satisfied; we say, "How so, Sir Elijah? Your object to look was not to know whether there was an interpreter or no, but to know whether there was any occasion for an interpreter; therefore you must have looked into the body, to see whether there was occasion for one." No; he swears positively he had cut off all communications between his sight and his understanding; that if his eye picked it up his understanding knew nothing of the matter. I don't in the least doubt this, and I have still greater reason not to doubt it, because he says, "I cautiously avoided reading any part of them; I might casually read some lines, but my premeditated purpose was to avoid looking into them." But here I am brought into a little dilemma: for, the very next time he is examined, he confesses he had read the whole of the Narrative—affidavits and all. So that here is this extraordinary circumstance, that Sir Elijah Impey seven years long abstained from looking into this abhorred Narrative, while his friends' and his own reputation were concerned—while he was impeached upon some of the articles—seven years long he abstained from looking into this book, and, the instant he had made use of a solemn promise—upon oath almost—that he should still abstain, he went home and read every one of them. My charity and good will make me inclined to believe he did not look into them afterwards; for, when we found he had read them at last, we examined him a little

upon that subject, and I am confirmed in that opinion, because he seemed to know less about them after he confessed he had read them than he did before.

His statement respecting his manner of receiving the affidavits.

Your Lordships will recollect also that Sir Elijah Impey knew nothing with regard to taking the affidavits. He bore instructions from Mr. Hastings to Mr. Middleton upon the subject, and he troubled himself no further. Whether a man swears once, twice, or three times, he does not know. In a tent, after dinner, anybody came with a paper and put it into his hand. He sat dining with Colonel Hannay, and the people with their bason and their Ganges—a miserable consideration to think of those poor people mixing the innocent superstition of their religion with the libations with which they were possibly drinking success to this foul conspiracy. What was done to them he knows not: he clapped them into his wallet and carried them to Mr. Hastings, and knew nothing about them till he was provoked to it by a promise not to look into them. Such is the account that is given of them by Sir Elijah Impey.

Mr. Middleton's conduct in respect to the affidavits.

With regard to Mr. Middleton, there are circumstances equally extraordinary. Mr. Middleton receives a positive order from Mr. Hastings to inquire and make himself master of the facts, whether such facts or such evidence should refute or should sustain the charge. Mr. Middleton is shown this order at your Lordships' bar. He, who has been in such habits of implicit obedience, and regular, diligent, attention to the spirit and letter of Mr. Hastings' orders for years, seriously tells you that he never felt the spirit of his orders before, and therefore he turns the business over, he owns, completely to Colonel Hannay. A Manager asked the witness then, in a sort of taunting question perhaps, whether he considered it as a part of military duty to collect affidavits upon which a serious judgment was to be formed? I think Mr. Middleton makes the best answer that ever came from the lips of man. He appeals to your Lordships for protection—begs to decline answering that question, being no military man. It is impossible not to admire the cautious diffidence, the graceful reserve, which characterises the whole of his evidence. He does not know whether it is a branch of military duty; he knows nothing of tactics—of the King of Prussia's exercise; he has read nothing of General Fawcett, I suppose; therefore he begs to decline an answer to that question, being no military man. But, though no military man, not understanding military duty, he confesses he

3 June 1788. made a military act of it; for he recollects the fact that it was delivered over to Colonel Hannay to collect and gather those affidavits.

Want of decency or order in taking the affidavits.

There are other extraordinary circumstances attending the collection of the affidavits and the manner in which they were taken, but I think I have given your Lordships sufficient sample, from the evidence of the principal persons concerned, that there was not any very great, decent, proper or just, attention in the conduct of collecting this evidence, at least, whatever weight the evidence may seem to have when it is collected. But now I will waive every inference from that. I will suppose they were taken in the day, in the light, in an honest, regular, proper, manner. I will waive every argument I can gather from the loose, scandalous, way in which they appear to have been collected, and I will put it upon this issue,—if the evidence itself contains any one fact or circumstance that could justify an honest man making up his conscience to hurt a hair of the head of the poorest creature that breathes, much less to do that act which was done upon this evidence.

Issue challenged on the warranty from the evidence to proceed against the Begums.

Affidavit of Rani Golaub Kooer respecting Cheyt Sing's correspondence with the Begums.

The first affidavit or deposition which I shall trouble your Lordships with taking notice of is one that Sir Elijah Impey remembers perfectly well to have taken; it is from the Rani Golaub Kooer, a woman of rank.* She was grandmother, I think, to Mehipnarain, to whom Mr. Hastings had given the Rajaship of Benares. As she is grandmother to Mehipnarain, she is certainly not likely to conceal anything she knew upon this subject of the disaffection of Cheyt Sing. This is the first in point of date that mentions anything respecting the Begums; and your Lordships will observe a passage at the end of it, which I mention rather to show the spirit and temper with which this complete legal evidence is taken than anything else. This is an affidavit we suspected must have been in answer to interrogatories which Sir Elijah Impey does not recollect:—"With respect to Cheyt Sing's having from of old an improper correspondence with the Begums at Lucknow and the Rajah at Barratch and Gorruckpore, the Declaration of the above Ranny is as follows." That is what we maintain to be a question. The answer is:—

* This affidavit, and those subsequently referred to, are printed in the Appendix to Hastings' "Narrative of the Insurrection in Benares," pp. 151, *et seqq.*

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"Since two years, on account of the enmity of Cheyt Sing to me, I had left Ramnagur and resided in another dwelling, and Cheyt Sing had always acted towards me with such enmity as cannot be described; how therefore should he have acquainted me with his correspondences? But I have heard from report that he had in many places improper correspondences. However, it is very plain that he had enmity towards the Governor General, because, whenever he learned anything to the prejudice of the Governor, from the letters of his vakeels, or the reports of ill-designing persons, he used to rejoice. This is known to all the inhabitants of Ramnagur. Accordingly, when the Governor General was lately coming from Calcutta towards this quarter, the Raja and his companions used to say, 'The Governor General has been displeased, and is making his escape to Hindostan.' Besides, from the Raja's going to Buxar to meet him with the greatest preparations, his intention plainly appears."

Here the good Rani deposes to two things; she gives a very good reason for her knowing nothing upon one subject, and makes a very bad guess upon another subject of which she could know nothing. She makes an inference upon a fact at which she was not present, and those who demand it of her were present. And this is the whole of the solemn Declaration of the Rani Golaub Kooer, made on the 12th day of November, 1781, before Chief Justice Sir Elijah Impey—a most pompous attestation, well worthy the important information it conveys.

Affidavit of Doond Sing.

The next deposition I shall take notice of to your Lordships is the deposition of a man whose name your Lordships have heard three or four times—of Doond Sing. He is styled a commandant. This is before Sir Elijah Impey, at Lucknow, on the 26th of November. He deposes not one word about the Begums. He says that two persons in the service of Cheyt Sing came to his house and desired him to join Cheyt Sing. He answered,—"From my youth to this day I have been the servant of the English; I have never gone to any Rajahs or Bauboos, nor will I go to them." And, upon their threatening to place a guard on his house, he said,—"My house and my wife and my children may be destroyed, still I am the servant of the English, and I am faithful and loyal. By the blessing of God, in a short time we shall all go to Benares."

This is all he swears—that he made a very fine answer, which I dare say he did make; and the whole that he knows is that. And though it does appear here that he was a commandant and subadar, and had an house and grounds, and guards set upon them—which must prove his credibility—

3 JUNE 1788. yet we must admit his education has been a little neglected, because this ends with the commandant, Doond Sing, not being able to write either in Persian or Hindi, making his mark. Possibly your Lordships will not wish to hear a great deal more of this Doond Sing; but, however, upon the very same day he is swearing again. His zeal showed he was likely to swear well; but they seem to observe nothing was said about the Begums, therefore he is swearing again, and here he is, upon the 26th of November, making a second deposition. But, however, in this second deposition there is not one word, excepting a single line, respecting the Begums; and that seems rather to make against the report which they wish to have us suppose current in the country at the time. Some of the mutinous sepoys say,—"We will go to the Begum at Fyzabad; if she will retain us we will stay, if not, we will carry the gun (or guns) to the Rajah Cheyt Sing." So that here Doond Sing, instead of confirming that there was a general opinion at that time that the Begum would entertain any disaffected person against the English, expresses a doubt whether she would entertain them or no. The only other observable circumstance is, that, in part of this affidavit, he swears in the most unqualified manner,—"I wrote an account of these things to Major Macdonald and Captain Williams, and wrote these things to Major Macdonald again;" and to this assertion and asseveration of his literary exertions he again sets his mark.

Second deposition of Doond Sing.

Third deposition of Doond Sing concerning Captain Gordon.

I imagine your Lordships will now again think we have done with Doond Sing. No such thing. Here he is again, the third time, swearing before Sir Elijah Impey. But he is not to be trusted by himself, he is a bad one single-handed, and, as it was a military duty, he is coupled with somebody else—he is joined with Mir Ahmud Ali, subadar; and at last he hits the mark. For here is an account of the whole transaction in which Captain Gordon was engaged, and the circumstances respecting Captain Gordon at Tanda, which is the only thing like a fact throughout these depositions which is attempted to be sworn to.

My Lords, I did conceive that the ninth parcel of affidavits—the affidavits of the British officers—was all that was necessary, as they contained a repetition of every matter in the affidavits of the natives; and I am very ready to admit that the reports to which they depose were prevalent at the time; but it was at the express desire of the Counsel

that different parcels of them were laid before your Lordships. They seem to run to greater length than I was aware of. I imagine that, by looking over them, I shall be able to shorten this part of the business, and I pledge myself to show your Lordships that there is not a single atom of fact to be gathered from them; that there is nothing but loose rumour, upon which no argument could have been rested; and, above all, that, when I come to speak of the transaction of Sumshire Khan, which is the only atom of a faet that your Lordships can gather from this business, it was not done upon hearing of the suecess of the British arms, but in the hour of extreme distress; that it was done at a time when Mr. Hastings describes himself to be in a situation devoted to destruction; that it was when the ruin of the British affairs was magnified; that it was in that pinehing hour of proof when the hollow, professing, friendship is not to be found, but falls off with a falling cause, but honest zeal alone remains, with those who profess a serious and generous attachment. 3 JUNE 1788.

With your Lordships' indulgence I shall pause here for the present.

CONTINUATION OF THE SPEECH OF RICHARD BRINSLEY SHERIDAN, ESQ., MANAGER FOR THE HOUSE OF COMMONS, IN SUMMING UP THE EVIDENCE ON THE SECOND ARTICLE OF CHARGE, RELATING TO THE BEGUMS OF OUDE; 6TH JUNE, 1788.

MY LORDS,—In obedience to the directions from the Managers for the Commons, I proceed now to sum up and to observe upon the evidence of the second charge against Warren Hastings, Esq.

My Lords, I esteem it fortunate that the adjournment from the last time I had the honour of addressing your Lordships has afforded an opportunity to complete and finish the printing of the evidence, as it is much the wish, and I am sure it is the interest, of those who manage the prosecution that your Lordships should have every opportunity of adverting to the evidence, and of watching whether it is fairly and accurately quoted, and whether the inferences and arguments drawn from it are such as are borne out by the evidence itself.

Your Lordships will recollect that I left off in observations upon the affidavits taken by Sir Elijah Impey and produced against the Begums; that I left your Lordships as it were in the situation of trying the cause of these Princesses—of deciding upon the probability and justness of that evidence which Mr. Hastings has adduced against them. My Lords, before I proceed in examining that testimony, I should wish to recall to your Lordships' recollection two or three circumstances which I think material; that is, conceiving your Lordships to be in the situation at present of trying, as it were, the allegations brought by Mr. Hastings against the Begums.

Mr. Hastings' charge against the Begums of hostility to the Company.

Your Lordships will recollect that the charges against them were not merely confined to the period which followed the insurrection at Benares, but that Mr. Hastings does specifically allege that the influence which they had they had constantly and invariably employed to the most pernicious purposes against one state which had conferred on them all that they had possessed, and another state which

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had supported and protected them. Mr. Hastings stated them to have been actuated by an uniform hatred to the British government. It is remarkable that, upon this part of the charge at least, there is not the smallest attempt to produce a tittle of evidence against them; that, in the course even of the cross-examination of the Counsel—in the course of those affidavits which are called such "perfect legal evidence"—upon the whole of the record—there is not one single tittle of evidence to support that part of the charge against them. Nay, it does seem to be distinctly abandoned by the prosecutor—considering Mr. Hastings himself at present as the accuser of the Begums. When a charge, consisting as it were of two parts, is brought against any person, and one part of it, as your Lordships will perceive, appears upon the face of it evidently false, nay, is not even attempted to be supported by the prosecutor but is in fact abandoned by him, what is the conclusion, we request from your Lordships? Not that, because one part of the charge is false and abandoned even by the accuser, therefore the other part is unfounded. No, my Lords; but I think I have a right to claim that your Lordships would watch a little narrowly the conduct of that prosecution in support of the second part of the charge, where the first is proved to be false and abandoned even by the prosecutor himself.

Unsupported by evidence.

The next circumstance to which I would wish to call your Lordships' attention is this—the declaration of Mr. Hastings himself, when he left Calcutta, namely, that unless he could acquire a sum of money in one of the two resources, either Benares or Oude, his character was gone with his venal masters the Directors, with whom no other plea would avail than that he had procured plunder for them: he states this as one of his motives. Your Lordships will see the miserable situation of those who are accused, where the person is not only the accuser but the judge, and where he himself who is the judge and the accuser has a profit in the conviction and an interest in the condemnation of the party he accuses. Your Lordships will judge what probability of escape the wretched victims must have, where the judge who decides upon their conduct has a strong interest in the proportion and quantity of the fine which he is to levy upon them. But what do I desire from your Lordships upon that consideration? Not that, because the accusing person has an interest in the conviction of the person that he accuses,

Avowed object of Mr. Hastings to procure money.

6 JUNE 1788. therefore you will conclude that the accusation is groundless. No, my Lords; but I think I have a right to claim that your Lordships will not give implicit credit to the bare assertion, at least, of such a prosecutor under such circumstances.

Improbability of pretended attempt of the Begums against the Company.

The next circumstance which I wish your Lordships to advert to is what is admitted through the whole of this testimony—I mean the infinite improbability at least that the Begums should have made this attempt, and the absolute impossibility of their succeeding. But I don't ask you then to say that because a crime is improbable to have been attempted, and the success is impossible, therefore the attempt was not made. No, my Lords; but I think again I have a right to claim this; because I am ready to admit that it is impossible to look into the history of these transactions—it is impossible to trace the conduct of the wild and irregular mind of the man whom we accuse—without admitting that there is such a thing as a wantonness in guilt; that there is such a thing as a perverse propensity to evil that leads the mind of man to evil acts, even where the perpetrator has no obvious motive, either of interest or ambition, to answer. I am ready to admit that. But all I request is that, where the attempt was improbable—where the success was impossible—your Lordships will at least look with a degree of jealousy to the evidence that supports such an accusation, and that you will demand something credible in the proof where there is nothing probable in the charge.

My Lords, with these preliminary observations upon the evidence, I shall proceed to this mass of weighty, legal, proof, as it is styled by Mr. Hastings.

And first, I wish your Lordships to observe that I state nothing without evidence. I will quote shortly one of the passages in which Mr. Hastings characterises this evidence. He says :—

Mr. Hastings' attempt to give weight to the affidavits by employing Sir Elijah Impey,

"I took the best possible evidence that could be obtained; I gave it the best possible sanction, by causing it to be taken before the first magistrate in India. I was not to inquire whether his conduct in this instance was irregular."

Now your Lordships will recollect that the express purpose of Sir Elijah Impey's going to Lucknow was to give authenticity, as he states at your Lordships' bar, to this evidence. Your Lordships will also recollect the account which Sir Elijah himself gave of the manner in which he took that evidence; by which it will appear that any person whatever—a common servant that he took with him, or any

person residing at Lucknow—would equally have given them authenticity, as far as Sir Elijah Impey gave it. 6 JUNE 1788.

But your Lordships will also recollect that Sir Elijah Impey states that the purpose of his being the person employed was to give weight and authenticity to this in Great Britain; and, after his other confession, I am sure your Lordships must come to this conclusion, that in fact he endeavoured to delude and deceive the people of Great Britain, by lending his name to affidavits when he confesses he neither knew the substance nor knew even that the persons who swore them were the individuals whom they pretended to be.

who was ignorant of their substance.

Mr. Hastings, speaking of these affidavits, complains highly of the person who first moved the impeachment in the House of Commons. He says, that "Mr. Burke, aware of the weight of these testimonies, has taken much pains to discredit them by blackening them in his peculiar manner"—what that is I am sure I shall not presume to say—"with hard and opprobrious epithets, such as, passionate, careless, irrelevant and irregular." Whether these are too harsh terms for the affidavits your Lordships, when you have heard the whole of them, will be able to decide.

Mr. Hastings' complaint of Mr. Burke's efforts to discredit the affidavits.

"But, as he has offered no proof of these daring allegations, and as his depreciation of the evidences is certainly no argument of their want of truth or authenticity, I presume that they will be admitted to establish the facts to which they have a mutual relation, on as ample a conviction as if they had been delivered in every legal form before a British court of judicature."

Having made this reply to Mr. Burke's daring allegations, in his second Defence Mr. Hastings has this observation, which I think it proper to repeat to your Lordships before I proceed with the affidavits themselves. He says,—

His assertion that the evidence they contain against the Begums was incidental, and not given with design.

"It is worth remarking that these depositions were all taken to establish a series of facts combined with the rebellion of Cheyt Sing, and what they have affirmed concerning the Begums was an accessary subject not required for the original purpose, though probably the most powerful in the feelings and recollection of the deponents, and therefore more particularly noticed in the evidence delivered by them, This is certainly an additional argument of their authenticity."

Undoubtedly, my Lords, it would be if it were true; but unfortunately this is a very proper preface to such testimony, for it is a direct, deliberate, falsehood. It is so proved by the witnesses concerned in taking these affidavits, Mr. Middleton and Sir Elijah Impey, who acknowledge that the

6 June 1788. purpose of the affidavits taken at Lucknow was to justify measures to be taken against the Begums, and not for the justification of what had been done with respect to Cheyt Sing. Therefore why Mr. Hastings should think it worth remarking that these were all taken to establish another series of facts—unless his principle is that it is always worth while to omit no opportunity of stating that which is not true—I cannot determine.

I did hope that I should be able to pass over some of these affidavits, but your Lordships will find it will not be necessary for me to detain you upon them long. We left off with the triple testimony of my friend Doond Sing. I am still among those affidavits which the Counsel were so anxious your Lordships should pay particular attention to—I mean the affidavits of the natives.

Affidavit of Munshi Mohammed Moraud.

The next is sworn by Munshi Mohammed Moraud, who was with Captain Williams. There were other persons with Captain Williams who swear to having heard some reports about the Begums' disposition; but this munshi, who was probably a more intelligent person than the subalterns or common sepoys, does not mention a single word respecting them, and does not remember ever to have heard those reports. I really wish the Counsel to watch me as I go through them; for I mean to omit no one circumstance, but to state, not [only?] what I conceive anything like evidence in them, but to give them their weight at the time.

Affidavit of Ahlaud Sing.

Besieged in Goruckpore.

The next is the deposition of Ahlaud Sing. He was an extraordinary man and a great warrior. He said he had confined in Goruckpore an hundred and fifteen burgomauls. This is one of the instances where numberless hostages are taken and confined upon pretence of a deficiency of dues of the rents; Colonel Hannay and other military persons being probably the persons who rented those revenues at that time. He says they were besieged in this place, and gives an account of his own transactions, which I take notice of only to show it is an extraordinary piece of testimony altogether. He says he was surrounded in the fort in the night by six thousand matchlocks; and, upon their entering the fort with ladders, he attacked and killed seventeen of the enemy on the bastion and wounded several others; that afterwards they made an attack upon the western bastion; he took shelter under a straw chupper, threw down part of the brick battlement ou the enemy, by which four of them were killed. In the middle of his exploits he seems to have been very

collected, and to have numbered very accurately the feats he performed. He then says he heard that the one hundred and fifteen burgomauls had attacked the twelve sepoys who guarded them, and he gave orders to put them all to the sword; that he instantly struck off the heads of eighteen burgomauls, and threw them out, and wounded several others. Then he mentions that the people who were united with the Raja of Goruckpore—your Lordships will recollect these were the inhabitants who were risen to rescue these hostages—shouted out the doway* of the Nawab Saadat Ali Khan and the Begums had spread through the country; that is what these people among other things exclaimed. He said afterwards that a messenger came and told him, "You have no master; the English are all killed, and the colonel and Captain Gordon are confined by the Begums." 6 JUNE 1788.

Now, my Lords, I wish, through all these affidavits, to observe that they are all echos of hearsays and rumours; but they are all subsequent to the time of Captain Gordon's affair at Tanda. He then mentions that, when they were in the greatest distress, a jemmadar of grenadiers with nine sepoys unexpectedly arrived in the town. He was besieged by six thousand, and he makes this report afterwards to Captain Williams, who mentions it, but, properly, not vouching for it further than as a report of this swaggering subahdar, that those nine people came to their relief; they looked round and called as if more were coming, when the six thousand ran away; he pursued and made a great slaughter of them. After this, the sepoys mutinied, demanded their pay, and said they would go and deliver up their arms at the gates of the Begums. Afterwards he mentions a fact which your Lordships must bear in your memories, that, when they attacked them in their march afterwards, the country people came and the Rani of Baunsy came to see Captain Williams, but her son prepared for hostilities; he said, "They have struck off the head of our Rajah at Gooruckpore, and I will be revenged."

I should mention that, after they had beheaded these burgomauls and been rescued by those nine sepoys, there came an order from Colonel Hannay to behead the Raja; which was afterwards executed; that, in consequence of that, the people still surrounded them, and said—"They have struck off the head of our Rajah, and we will be revenged."—"We marched from thence, and the Rajah of Bulrampoor

* "The acclamation of appeal to the sovereign power;" "Narrative," p. 169.

6 JUNE 1788. with his people had thrown up an intrenchment across the road, and he said, 'It is the Begum's orders that you shall not march by this road.' With the greatest hazard and caution we marched from thence and arrived at Hoonda, and the country people retired into the fort." That is the whole of this weighty testimony of Ahlaud Sing—that, while they were in the fort of Goruckpore, the country people surrounded them, and said they heard the English were all gone, that Captain Gordon and Colonel Hannay were in prison.

Affidavit of Denoo Sing, Subadar.

The next is the deposition of Denoo Sing, Subahdar. He mentions the same thing—that he had heard the government of the Colonel—meaning Colonel Hannay—was at an end. It certainly does appear that there was an universal joy at the idea of the government of the English being at an end, and that the people, mad with oppression, did rise at this news, and considered the hour of delivery as at hand. They also said, "The Rajah Cheyt Sing has cut off the English forces at Benares; deliver up your baggage; it is the order of the Begum."

The next circumstance which alludes at all to the Begums is their having sent out a sepoy to gather news; that he returned and brought word that Captain Gordon and the subahdars and zemindars were imprisoned at Tanda by order of the Begums; that many of the sepoys had deserted, and several had been killed. Your Lordships will observe that the whole of this is merely a recapitulation of a number of idle and false rumours which naturally arose from the state of confusion the country was then in, without any regular means of intelligence; that they heard the Begum had herself confined Captain Gordon. He also heard that the Raja Cheyt Sing destroyed all the English troops, and that three of the English had been killed. It was also reported that the authority of the Nawab (Saadat Ali Khan) and the Begum was established throughout the country. This, your Lordships will observe, was after the affair of Captain Gordon at Tanda, and they never mentioned the Begum's name without mentioning Saadat Ali Khan—that he was the person who was to take the lead against the English, and the Begums only supported and protected him. Then he describes the mutiny, which appears a serious one, against Captain Williams:—" They said, 'We will not go to Benares: we are the servants of the Begum and Saadit Ally Khan; we will deliver up our guns and

our arms at the gates of the Begum.' " That is the whole of this, which is a very long and very circumstantial affidavit —namely, that Denoo Sing did, like Ahlaud Sing, hear a great number of false reports; among others, that the Begum and Saadat Ali Khan were endeavouring to establish themselves. 6 JUNE 1788.

The next is exactly of the same nature, by a person named Ram Sing. He heard that the English were all cut off—it is all hearsay; that the government of the English was overturned. "It was also reported that Colonel Hannay and Captain Williams were in confinement." Here you see the false reports increase. At the end of this affidavit he mentions the mutinous sepoys, who said, "They would take their arms and the gun of the chuckladar, and receive their pay from him; for the chuckladar was a servant of the Begums." Affidavit of Ram Sing.

This is an account of the mutiny which happened with Captain Williams—that these sepoys were still mutinous; that they declared they would attend the Begums and Saadat Ali Khan; and that, if the captain attempted to escape, they would put a guard over him and deliver him up. And that is every tittle that refers to this rebellion of the Begums: and this at the very time, your Lordships will observe, when, if ever there was a rebellion at all, it raged with the greatest violence.

The next is a deposition of Hurdeal Sing, commandant: he belonged to Major Macdonald's battalion. He also heard that they had confined—that is, these mutinous sepoys had confined — their captain, and cruelly beat his munshi. Here he differs from his report, though he is consistent with his own intercepted letter, which is in evidence: he says,— Affidavit of Hurdeal Sing.

> "Agreeable to the orders of the captain, I went at night to the line to the subahdars and jemmadars and sepoy grenadiers, and asked what they wished for and intended. The sepoys all replied—'If the captain resolves to march to the eastward not one of us will go with him; moreover we will march early to-morrow morning to the westward to the Vizier; whoever chooses to go that way may accompany us.' "

Afterwards, towards the end of this affidavit, he says, when he came to Goruckpore, which was after the troubles were quieted, that there he heard from the people that orders from the Begums had arrived to all the Rajas, and that they had surrounded Ahlaud Sing, had besieged him in the fort of Goruckpore—he heard a false account of that

6 JUNE 1788. transaction. And this is every word and syllable, in an extremely long and very circumstantial affidavit, which Hurdeal Sing seals and attests.

Affidavit of Bejy Sing, Subahdar.

The next is a deposition of Bejy Sing, Subahdar. He received orders from Captain Williams to join Captain Gordon at Tanda. When he arrived at Naurood "the Hooly rejoicings had commenced, and the country people surrounded and continued to insult us, and they said, 'You have struck off the head of Rajah Juggut Sing; where will you go?'"—this seems to refer again to that provocation of beheading that unfortunate Raja—"'we will strike off your heads in return. It is the orders of the Begum that whoever strikes off and brings in the head of an Englishman shall receive a reward of 1,000 rupees, and for the head of a subahdar or jemmadar 100 rupees, and for every sepoy's head struck off and brought in a reward of 10 rupees shall be given.'" The country people here, your Lordships will observe, were extremely accurate in these supposed orders from the Begums; they did not however attack them, nor try to get the heads of these people. The country people said, "Give up your baggage and arms and coats, and go naked where you please." They seemed to have forgot the rewards for their heads. That is the whole he says: and, from this single hearsay of the country people, Mr. Hastings boldly asserts in his Defence that the Begums had set a price upon the head of every Englishman in the country.

Affidavit of Merun, Munshi.

The next is the deposition of Merun, munshi to Captain Gordon. He mentions the transaction which happened at Tanda in pretty nearly the same way Captain Gordon himself relates it, and therefore I need not comment much upon his testimony. There is however something remarkable in some of the circumstances—that the sepoys seeing a thousand of the country people assembled on one side, and Shumshire Khan—your Lordships have heard a great deal of him, and will hear more—disposed to hostilities, on the other, and, being also much exhausted by the skirmishing and labour on the march, gave up their resolution and firmness at once, and, throwing aside their arms and their coats, disposed themselves to flight; and, notwithstanding Mr. Gordon used every means of persuasion both to the sepoys and officers, no one either heard or obeyed him, until Mr. Gordon was left with only ten men and the baggage; all the rest were fled. Now, it does seem a little extraordinary that these thousands

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of country people, who are represented as attacking them all the way in their march, and as having driven them to a desperate situation just opposite the fort of Tanda, when they had reduced them to ten men, that then they left off insulting them and left them in safety!

My Lords, that is, excepting one, the whole of the testimony which the Counsel appeared to lay so much stress upon—I mean the whole of the testimony of the natives, who were in a situation to be best informed respecting this rebellion—every word, tittle and syllable of it, collected by Sir Elijah Impey at Lucknow, except this one single affidavit, to which I beg your Lordships' particular attention—I mean the attestation of Hyder Beg Khan, attested before Sir Elijah Impey the 26th of November, 1781. Here your Lordships will naturally suppose you are coming to some distinct and authentic account of this rebellion. He was the Nawab's minister—Mr. Hastings' minister in fact and in truth, who was in truth the real Governor of the country. He makes a long deposition, and in it not one word or syllable respecting the Begums. This was in November, your Lordships will recollect, after Sir Elijah Impey stated the rebellion to be as notorious as the rebellion in England in 1745—after they state the notoriety also of the object of the rebellion; namely, to dethrone the Nawab, Hyder Beg's master. Hyder Beg makes an accurate, circumstantial, affidavit before Sir Elijah Impey at Lucknow, and he never once states that he had heard a syllable of this report—for he deposes as well to hearsays as to facts; and there is not a single rumour respecting the Begums. And there ends the whole of these depositions of the natives, which the Counsel were so eager to bring forward, and upon which I suppose they mean to rely so much.

Affidavit of Hyder Beg Khan, the Nawab's Minister.

Contains no allusion to the Begums.

My Lords, we now come to another class of affidavits —I mean to the affidavits of the English; and in the van of these, and most important indeed, appears Mr. Middleton's. Now again your Lordships' expectations no doubt will be raised, and here again you will conceive that you will have full, decisive, proof of the actual existence of this rebellion and of the objects for which it was raised. Mr. Middleton too deposes, not only to things he has seen or known himself, but also to all the things he has heard upon the two subjects—the insurrection of Cheyt Sing and the rebellion of the Begums. Till just at the end of his affidavit, there is not a syllable respecting the rebellion of

Affidavits of the English.

Of Mr. Middleton.

6 June 1788. the Begums. And then your Lordships have before you the whole Mr. Middleton knew upon the 27th of November, that is, after he had received Mr. Hastings' pleasure to confiscate the treasures of the Begums; when he knew what was to be done upon this testimony; when of course he had no inducement to be careless, to omit or suppress any circumstance which he knew could tend to the justification of a strong measure then resolved upon. All he knows is, that he heard at the time and believed, and does still believe, that much encouragement and some actual aid in raising troops was given Cheyt Sing by Behar Ali Khan and Jewar Ali Khan, the two principal eunuchs and counsellors of the Wazir's mother at Fyzabad, and that their conduct, as well as that of their dependants, during the continuance of the disturbances at Benares, manifested a strong disaffection to the English; that he further heard from his own newswriter, Hoolas Roi, whom your Lordships will recollect stationed at Fyzabad,—

> "that a vakeel or agent from Cheyt Sing had been received at that place, and allowed to remain under the protection of the said eunuchs; and for what particular purpose or what was the nature of his commission or negotiation the deponent has not been able to discover.—Signed, NATHANIEL MIDDLETON."

This is the whole that Mr. Middleton knew at the very moment when he wrote to Mr. Hastings that he had made up his conscience to the plunder and possibly to the destruction of these women.

Affidavit of Colonel Hannay.

The next is an affidavit from Colonel Hannay. And here we must beg your Lordships always to bear in your minds that there is mutual accusation and recrimination between the Begum and Colonel Hannay. She also accuses Captain Gordon. In a taunting manner, the Counsel call upon us to call Captain Gordon. On the same principle that we should not have called Colonel Hannay if he had been alive, we refuse to call that witness; for every step they advance upon the accusation of the Begums they do in fact advance in their own justification. Colonel Hannay repeats that he had arrived at Fyzabad on the evening of the 7th of September; "that the subahdars of the two companies of Sepoys represented to him that guards were placed—said by the authority of the Begums—to prevent the sepoys or any one connected with the English from entering the town." And this Colonel

Hannay heard in a town where no Englishmen were to be permitted to enter. 6 June 1788.

"That the deponent learned, from various and what he deemed information to be depended on, that the agents of Cheyt Sing were publicly suffered to raise troops in Fyzabad, and that the eunuchs of both Begums encouraged the people to enter into his service, particularly Jewar Ali Khan, who was represented to have gone into the chouk for this purpose; that the deponent was credibly informed that, two or three days before he arrived at Fyzabad, a man named Sheakh Khan had marched from thence in order to join Rajah Cheyt Sing."

Statement respecting troops raised at Fyzabad.

My Lords, it is observable that in the letter of the 17th of October*—which is a fabricated letter, as I shall show your Lordships bye and bye, and upon which Mr. Hastings affects to have taken the first alarm on the subject of this rebellion, and first to have founded his determination to have punished it—Mr. Middleton there quotes an extract from a supposed letter of Colonel Hannay's, in which he makes Colonel Hannay say that these thousand najibs were raised in Fyzabad; but, when Colonel Hannay comes to his testimony upon oath, it appears he never saw them, but was only informed that they marched from that place; where raised he does not pretend to say, but he had been informed that they marched from that place a few days before he arrived there.

Captain Gordon's account of affairs at Tanda.

Then Colonel Hanay goes on to state that, upon the 8th of September, he received a letter from Captain Gordon which contained an accurate account of the whole transaction, so much noted both by the Counsel and Managers, respecting the affairs at Tanda, and the supposed misconduct of the Begum's faujdar, Shumshire Khan. Your Lordships will observe in this narrative, Captain Gordon admits that, till he arrived at the Tereeah Nullah, running by Tanda, he never suspected the least disaffection on the part of the Begums. He says, when he came there "I now imagined myself in a friend's country." This was upon the 7th of September. He states that this Shumshire Khan did not immediately put over boats to relieve him; that there was some delay; that the country people gathered round them; that they had fought him, he says—which is a thing worthy observation—that they had fought him all the way, and that his sepoys, hearing these reports that the English were to be extirpated, and that many had been destroyed, deserted him and left him with but a few people; that when he attempted

* Printed in the "Minutes of the Evidence," p. 182.

6 June 1788. to cross the Nullah they pointed guns across the river. Now it does appear to me as if Shumshire Khan's guns, that were turned across the river, had dispersed those people who were pursuing Captain Gordon; because, when they had fought him, he says, with great spirit all the way, it seems improbable that they should have desisted when his party was reduced to ten people, and let him quietly cross the river in a boat sent by Shumshire Khan. The whole of this transaction depends upon the supposition that Shumshire Khan, having heard of the affair at Benares, might have imagined he saw a Warren Hastings in the face of every person coming there, and might not be very eager to transport Captain Gordon over the river, who for ought he knew might be coming to treat him in the same manner as Cheyt Sing had been treated: however, he did send boats over, and Captain Gordon got safe over to Mr. Scott's factory.

Affidavit of Major Macdonald.

The next affidavit is that of Major Macdonald. He appears to have been out of the way of knowing much with respect to the Begums. He says,—

"The road by which the post usually travelled from Benares became impassable, from the numerous parties it was said Cheyt Sing had sent out, to cut off all communication betwixt the Honourable Governor General and the different stations of the army. As the deponent could not obtain any authentic account of the state of affairs, he thought it best to send out persons to all parts for information, that he might judge from the state of the country how matters stood at the place of the greatest moment."

He then proceeds to state what account persons sent out in this confused state of affairs brought him in from all parts; and they brought him in such accounts as your Lordships would expect—a number of improbable and false accounts.

"The country of the daring rebel Cheyt Sing and the city of Fyzabad seemed to the deponent the most likely places to furnish the wished intelligence. In the latter place it was reported that the Honourable Warren Hastings, Esquire, had been massacred at Benares; then that he had been cut off in his way to Chunar; at last it was said the Honourable Governor General was in Chunargur, but must soon fall into the hands of the Benares rebel."

A number of reports of similar veracity,—

"That the Rajahs of the Vizier's grandmother, as well as those of the Bow Begum, were raising men under various pretences and making every preparation that might be necessary either for offensive or defensive war; that, during the time the Nabob lay encamped at Sultanpoor, the deponent's people were insulted and ill used at Fyzabad by the peons, sepoys, and other servants of Jewar Ally Khan and the two Begums, as were all who made use of the English name or were suposed to have any connection of the kind."

He states that as a fact; but the Counsel will observe it must be hearsay too, for he was not himself at Fyzabad; he does not state it as a fact within his own knowledge. 6 June 178.

"That the zamindars had absented themselves; and the deponent learnt from all parts of the country that every man was getting ready his army, and that Cheyt Sing's name was in everybody's mouth;"—

and I have no doubt Major Macdonald did hear that there was a most universal horror and indignation when the country received the first accounts of the transactions at Benares—

"that every Rajah in the country had declared for him; that the deponent endeavoured to get some nujjeebs, to supply the place of the troops called away; but all in vain. But every attempt was rendered abortive by the machinations of the Rajahs belonging to the two Begums at Fyzabad"—

This is still what he had heard—"and every soul in that city seemed from this conversation and conduct to look upon the English as on the very eve of extermination"—that was on the 8th of September—"forbidding any one to serve the Fringies" (the English), "but to repair to Cheyt Sing and Saadit Ally."

"Nay, every method and way were tried to seduce the sepoys from the deponent's battalion, which, however, did not succeed while remaining under his eye, but had the desired effect upon the nujjeeb and sebundy. After the sepoys' guns and horse had crossed the Gogra, there was an end to all government in that part of the country where the deponent resided. Not an article of any kind was to be had, and, but for the deponent's having foreseen the situation he should be in and provided accordingly, he would have been under the necessity of leaving his station from the want of provisions. Thus surrounded on all sides by lurking enemies (for there was no knowing whom to treat otherwise) the deponent knew not when or from what quarter the blow was to be struck; but on the 8th of September it broke out in all parts. All outposts were driven into camp; the roads in an instant secured by armed parties; hircarrahs murdered; sepoys attacked; and the intended destruction of every Englishman openly declared, not only throughout the pergunnah towns and villages, but even in the city of Fyzabad. To such lengths was it carried by the people of Jewar Ally Khan, and other Rajahs belonging to the Begums, that the women of the deponent's camp that were sent across the Gogra to be out of the way of danger, being obnoxious from the connection, were refused that protection which the sex in every country meets with, but particularly in Hindostan claims as a right. From the above date the deponent was confined to the limits of his camp, nor had he any road open but that to Rye Ghaut opposite Oude, at which place Lieutenant Colonel Hannay then lay with a very small force, while the country around him, also the city of Fyzabad, seemed ready to commence hostilities. On the 10th of September, Rajah Zalim Sing, accompanied by other rebellious Rajahs, appeared with a numerous force on the banks of the Gogra, opposite to Amora. The deponent's spies brought him intelligence from the rebels' camp that his, the

6 June 1788. deponent's, property, likewise that all his camp, was already divided; that the deponent's horses, camels, &c., things worth notice, the Rajah Zalim Sing reserved to himself, the rest was to be given up to those who could get it."

Here is a remarkable fact which seems to have come more within the deponent's knowledge.

"Moreover the deponent saith his people informed him that Rajah Zalim Sing had produced a paper, which he, the Rajah, said was a sunnud from the Nabob, restoring him to his zemindary, appointing him collector of the adjacent pergunnahs, Busty and Naggar; also that he had the Nabob's directions to drive the English out of his districts; that he only waited for the site (or fortunate hour) to do so; that Niza Saadit Ally had written to the Nabob that he was to blame if he gave any assistance; that now was the time to shake off the English yoke; that it might not be prudent to declare himself at once; that he had only to stand neuter, and, under pretence of defending themselves, direct his subjects to take arms and endeavour to prevent the junction of the British forces, when the matter would work of itself; further, to direct the aumils to send no more supplies of money, which would cause the sepoys to leave the English service for want of pay, while themselves would have plenty of money. In the city of Fyzabad the same language prevailed."

Then he mentioned that, when he quitted his camp, it was immediately taken possession of by Zalim Sing, and that he marched from Amora to Rye Ghaut.

"As soon as it was known at Fyzabad that Zalim Sing was in possession of Amora the whole city was in an uproar from joy, and the deponent heard the report and saw the smoke of guns that were discharged at Fyzabad, he believes, on the occasion."

It is clear that here Major Macdonald must have been misinformed; because, at the very time he states this fact to have happened, Colonel Hannay was himself at Fyzabad, and, if there were any such rejoicings upon the 10th of September, Colonel Hannay himself must have added them to the account. It was a natural mistake, under the influence of these reports, for Major Macdonald to have made, and he does not mention it as a fact within his own knowledge, except as matter of opinion, which he does at the end of his affidavit:—

"Nor did the deponent then or even at this moment doubt but what the Begums at Fyzabad and their Rajahs were in a league with Cheyt Sing, the Benares rebel; and the deponent is of opinion that the whole of the disturbances that happened in the parts where he resided took its rise from the rebellion of Rajah Cheyt Sing; and the deponent is further of opinion that it would not have extended itself so wide in the short time it really did, had it not been a matter preconcerted and brought to light by mere chance ere properly ripe for execution."

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That is the whole of the account of Captain Macdonald; in which your Lordships will perceive he properly does not take upon himself to assert these facts, but that, being in a place where he could get no authentic intelligence, he picked up what he could, and heard a variety of reports which turned out to be absolutely false.

His evidence relates only to rumours.

The next is Captain Williams. He appeared to be entirely away from Colonel Hannay, and mentions hardly anything about the Begums. Indeed there is one remarkable thing in the first part of his affidavit. He had received orders in the beginning of September from Colonel Hannay to cross the Gogra at Tanda, and proceed and join him; from which it is evident that Colonel Hannay at that time thought Tanda a safe place for the passage of English troops. His soldiers mutinied, and put his life in danger. That it became impracticable to prosecute the orders he received to join Colonel Hannay. That a few of our men mutinied, and, to the best of his recollection, they proposed to march to Benares and join Cheyt Sing and Saadat Ali, who, as they said, would pay their arrears and make them great men, adding that all the Europeans were cut off, and that he, meaning the deponent, was the only person left in the country; that in the evening they came to a determination to march to Fyzabad to the Begums, who they also declared would pay their arrears and take them into their service. Then he adds that, during the time he remained at Goruckpore, it was currently reported and given out by the rebellious Rajas that they acted in conformity to the orders they had received from Cheyt Sing, Saadat Ali and the Begums, to raise an insurrection in the country, and to destroy the English wherever they found them; that, during his march from Goruckpore to Sakrora, the rebels who harassed him gave out that every direction they took was in compliance with the directions they received from the Begum, Saadat Ali and Cheyt Sing. And that is the whole of Captain Williams' testimony, containing nothing more than an account, as he professes, of reports which he received. I don't mean to say that he, as well as Major Macdonald and the other officers, did not receive every one of these reports, but that they did receive them, and then put them down exactly as they received them.

Affidavit of Captain Williams.

My Lords, the last and the most important certainly is Captain Gordon's affidavit; for here your Lordships have from the first authority an account of the only thing like a fact upon which anything like a suspicion against the Begums

Captain Gordon's affidavit.

6 June 1788. was pretended to be founded. He states the affair at Tanda in pretty much the same terms as in his letter to Colonel Hannay, and concludes with saying:—

"Notwithstanding this, Shumshire Khan was, and, the deponent believes, is still continued in office; and, while the deponent was at Fyzabad, Shumshire Khan came there and was well received by the Begum and her ministers; from all which circumstances"—

now this is the extraordinary part of the case—

"from all which circumstances the deponent is convinced that Shumshire Khan could not have dared to act as he did had he not been authorized by the Begum and her ministers, or at least had he not known that such conduct would be agreeable to them."

Suppression of the fact of the Begum having saved Captain Gordon.

Now, my Lords, this concludes the whole of the testimony. I shall observe only shortly here to your Lordships that both Mr. Middleton, who knew the fact of the Begum having saved Captain Gordon when she did hear of his distress, that Colonel Hannay, who also corresponded with the Begum upon the subject, and had thanked her for that act of generosity, and that Captain Gordon, who also corresponded with the Begum, had written her letters of thanks—that they all three, while they were giving breath and substance to every idle rumour against the Begum, smother and stifle this strong living testimony of her innocence. And he adds, that from all the circumstances he is convinced "that Shumshire Khan had not dared to act as he did had he not been authorized by the Begum and her ministers, or, at least, had he not known that such conduct would be agreeable to them." And this conviction he states to be founded upon this circumstance, that Shumshire Khan came to Fyzabad, was well received and was continued in office, omitting to mention how he himself came to Fyzabad, and that it was by the generous exertions of the Begum, who sent to his assistance, that he did in fact reach the place.

Affidavit of a Frenchman, J. H. Mordelait.

There is an affidavit of some Frenchman, Jean Honore Mordelait. It is I dare say an original: the language and the style of it is all French. He was run through the body with bayonets, and escaped from tigers. How it came to make its appearance here I can't say, unless from an ambition of being in good company; for there is not a word of the Begums in it.

Second affidavit of Colonel Hannay.

Then comes a second affidavit of Colonel Hannay, emulous of the fame of Doond Sing. Having as we conceived sworn to everything he knew and heard before Sir Elijah Impey at Lucknow, he seems here to have recollected things he omitted then. Mr. Hastings becomes chief justice himself, which he

had as good a right to be undoubtedly as to be a general, and he swears Colonel Hannay himself. But he seems to swear with more care than his friend Sir Elijah Impey, for he adds, "Sworn before me: the deponent declaring on his oath that the above affidavit is written in his own hand. Writing at Benares, this 31st day of December, 1781.—WARREN HASTINGS." Here he seems to hit his friend Sir Elijah Impey a rap on the knuckles for the careless manner in which he took the affidavits, and he establishes the superiority of the Colonel's literary accomplishments over his officer Doond Sing. He says:— 6 JUNE 1788.

"On the 10th, being encamped near Fyzabad, he was employed in transporting his troops over the river Gogra, in order to act against the insurgents to the northward of that river. In the evening, he received intimation from a person living in the zenana, that the Nabob Begum, grandmother to the Nabob Vizier, had through her agents prevailed upon the principal jemmadar of horse to engage to detach himself from the said deponent and to abandon him, and further warning the said deponent to attend to his own personal safety, as there was an intention of detaining him at Fyzabad."—

This he did not recollect before Sir Elijah Impey—

"That this intimation was given to the deponent in the presence of Lieutenant Charles Middleton, to whom the deponent did communicate it; and that during the whole course of that day, the 10th of September, he, the deponent, had not been able to prevail on any of the horsemen to cross the river; a matter which he could not until then account for, but which served to impress him so strongly with the belief of the truth of the information he had received, that he sent for the principal jemmadar of horse, circumstantially communicated the said information to him, and as forcibly as he was able stated to him the treachery, disgrace and infamy, inseparable from so unmanly a behaviour. That the said jemmadar of horse appeared much affected at the conversation, and acknowledged that the information was true in every circumstance, except that of his having acceded to the proposals that were made to him, which he declared he had rejected; but said they had also been made to the other jemmadars of horse by the agents of both the Begums, the Nabob Vizier's mother and grandmother; and the truth of this assertion was afterwards affirmed to the said deponent by two of the said jemmadars and several of the inferior officers and private horsemen. The deponent further declareth that the above-recited conversation passed in his, the deponent's, tent, to the best of his recollection and memory, on the night of the 10th of September, in the presence of Lieutenant Charles Middleton. The deponent further declareth that he is restrained from mentioning the names of the jemmadars alluded to, from an apprehension that their names becoming public might operate to their prejudice, if not ruin; but that the facts which he hath deposed to are truth."

Now, my Lords, in God's name what ruin were these jemmadars to apprehend? This, your Lordships will recol-

6 JUNE 1788. lect, is sworn upon the 31st of December, after the warrant for the total destruction and annihilation of every influence and tittle of power had gone from Mr. Hastings, and was then on the point of being carried into execution against the Begums; and yet these jemmadars of horse, who had done this noble act of disinterested fidelity to the Nawab and kindness to the English, they are represented as saying "we have conferred the greatest obligation upon our Sovereign and the English also; the only return we have to ask of you is that you will never mention it to any living being;" that is, they were afraid they should be ruined by the Nawab, whose throne they had supported, and the English, whose extirpation they had prevented; and therefore he conceals the names of those jemmadars who had given him this important information.

My Lords, I am happy I have now got to the end, without omitting a single word or paragraph where mention is made of the Begums or the rebellion, and that it is the whole of the testimony upon which Mr. Hastings relies for his justification for his behaviour to the Begums.

Character of the evidence contained in the affidavits.

My Lords, I am aware that, if I was in an ordinary court of justice, and the question was the guilt or innocence of the Begums, and I was to propose to enter into a defence against those hearsays and those rumours, I should be stopped by the court, and told I was going to combat nothing; that there was nothing but contradictory, idle, hearsays, given as such by the persons; and that there was no sort of ground or foundation worthy of a reply or of evidence being adduced against them. But, as it is my wish to make the whole as plain as possible, and to omit nothing which from the examination of Counsel or the wording of the different Defences of Mr. Hastings I can gather as a ground intended to be relied upon, I shall show that, even if there could a doubt or suspicion of guilt arise upon these women upon this sort of evidence, there is just, legal, substantial, proof that would destroy every such doubt and every such suspicion.

Of the charges against the Begums.

Your Lordships will recollect that the charges against the Begums are, as it were, under three heads; for as to their uniform hatred and hostility to the English I shall say nothing, because it is not even attempted to be maintained by the persons concerned for the gentleman at your bar; therefore I shall mention the other three. First, the assistance which they are supposed to have given to Cheyt Sing's rebellion; secondly, that they principally excited the com-

motions and insurrections in Baraitch and Goruckpore, and in the Nawab's country; and thirdly, that they inflamed the jagirdars, and were the cause of the resistance which is stated to have been made to the resumption of the jagirs. 6 June 1788.

Charge of assisting Cheyt Sing's rebellion.

Uncertainty of information respecting the rebellion.

With regard to the first charge, which is a charge of direct, actual, rebellion, I do protest that, in order to satisfy my own mind as much as I could, I have been hunting, with all the industry at least, though not with the acuteness, of any antiquarian that ever belonged to the Antiquaries' Society, to find at what period this rebellion actually existed, and I have not found any one thing to guide me to the period of its existence. There never was a rebellion so concealed. We asked Mr. Middleton whether any battle was fought any where? None, he owns, that ever he heard of. "Did any one man, horse or foot, march to suppress this rebellion?"—"None." "Did you ever hear any orders given for any troops to march to suppress it?"—"None." The rebellion seems clearly to have died a natural death, though raised certainly for a most unnatural object. But if this rebellion really did exist—it is impossible to treat the idea seriously; and it must have been a merry scene when Mr. Hastings first conceived the strange improbable fiction, when he first entertained the idea of persuading the Directors that they had entered into such a plot. It is impossible to know when and where there may not be a rebellion. While we are sitting here there may be a rebellion at Knightsbridge of the most fatal tendency that ever was; for the celebrated account of that army that has given celebrity to that village was an ostentatious display of pomp and military parade compared to that with which this was conducted.

Difficulty of fixing the date of the rebellion.

I will endeavour to trace it by the time—which seems to have been a likely way to have made some discovery upon it—when it was first determined to punish the Begums for having been in this rebellion. I go to Sir Elijah Impey's account that then an actual rebellion did exist; but I cannot keep my ground there for any time; for Sir Elijah did propose, hearing of it, to go to Fyzabad—to read the Riot Act, I suppose, to suppress it that way—but he hears it was then at an end, and Mr. Middleton acknowledges the country was completely quiet before the end of September. Therefore we must go back to about the time of the first insurrection of Cheyt Sing, and see what we can make of it there. I look there among the letters, and I find it clear and manifest that there could have been no rebellion existing

6 June 1788. towards the end of August; for I find letters from Mr. Middleton, upon the road with the Wazir, directed to Mr. Hastings upon the 29th August, confidential letters, not mentioning a word of this rebellion, the Nawab being then upon his march with his army passing near Fyzabad; and the nearer they make the road from Benares to Chunar to approach to Fyzabad the nearer he was in the way to hear of this rebellion. I find the Nawab, instead of detaching forces to quell the insurrection and rebellion, draws the whole of his army from the neighbourhood. I learn from Captain Edwards' evidence that, of 30,000 regulars, irregulars and altogether, not one man had ever heard a syllable of that rebellion. I then find letters from Colonel Morgan* at Cawnpore and Kora, within forty miles of Fyzabad, who proposes to detach troops, and does it with great spirit and zeal, to the assistance of Mr. Hastings at Chunar; but there is not a word or syllable of any supposed rebellion or any preparation for any such thing at Fyzabad. I find, on the 27th of September, also at the camp near Allahabad, where he had advanced nearer to Mr. Hastings, that he writes an account of the disaffection that had been supposed to exist at Lucknow, but not a hint of any at Fyzabad; for observe, he was not in the situation of Colonel Hannay with respect to the Begums—he was not accused—but he was in the situation of an officer who must have marched to the suppression of such a rebellion if the rumour of any such had existed. These letters are among the last parts of the evidence. I believe I did not explain at the time the purpose for which I wished them to be printed; but they are infinitely material, and the more they are looked at the more their importance to establish what I am now endeavouring to maintain will appear.

Letter of J. Barnet.

I then find a letter from Jacob Barnet, who was in the hands of Cheyt Sing. There is a remarkable circumstance in this letter; it enclosed Major Macdonald's letter (which your Lordships will recollect) warning Mr. Middleton and Mr. Hastings against the Wazir. He says:—

"Honourable Sir,—It is with the greatest concern I send you the enclosed letter, intercepted by the Rajah's people. They had intercepted one from Major Macdonald, another from Colonel Hannay. There is another letter from Colonel Hannay, dated Fyzabad, the 10th of September, the purport of which is nearly the same as that enclosed, to caution you against the secret designs of the Nabob, and that he, Major Hannay,

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* Printed in the Appendix to Mr. Hastings' "Narrative of the Insurrection in Benares;" Appendix, No. 69, *et seq.*

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is much distressed and ill. The Rajah will not suffer me to send the Major's letter from some capricious whim, but the Major says nothing more than I tell you."*

So that, instead of recurring to what I will prove to be a fabricated letter of Mr. Middleton, and false extracts quoted as from a letter of Colonel Hannay, here is a proof that a letter of the 10th September was sent from Colonel Hannay at Fyzabad, at the moment they would make us believe that this rebellion raged at the highest, and not a word of suspicion against the Begums, but on the contrary a caution against the Wazir, who was then at Chunar with Mr. Hastings.

Paper found at Lutteepoor.

I then look at a translation of a paper which was found at Lutteepoor.† This paper is particularly described in Mr. Hastings' Narrative, and spoken of as a performance of good sense, which it certainly is; and the purpose for which he produces it is to clear his friend Hyder Beg from any suspicions of his having any disaffection against the English. But it contains another proof, which Mr. Hastings was not aware of; which is, that it destroys any idea of any concert with respect to this rebellion between the Wazir, his minister, and the Begums. The paper, I should rather suspect, was written by Saadat Ali Khan. It mentions the Nawab Wazir, and warns him not to entertain any hopes of Hyder Beg who was in the interest of the English; but not a syllable of advice to apply to the English, much less any insinuation of being employed in a common cause with him.

Disprove the existence of any concert between the Minister of the Nawab and the Begums.

My Lords, in this situation we have traced the history of Fyzabad and of this rebellion through the end of August and beyond the 10th of September, where it manifestly appears that, at that time, not only no rebellion had raged, but no rumour of a preparation for any insurrection nor any symptoms of disaffection had appeared. We now must try to get at the period of its existence by referring to the time when the Nawab returned to Lucknow and parted with Mr. Hastings. Here we are tracing him upon the road with his troops, in company with Mr. Middleton. Mr. Middleton states that it was about the 21st or 22d of September. Mr. Hastings in his Narrative states that it was the 25th. Which is right I shall not pretend to say. But he parts from Mr. Middleton to make a friendly visit to his

Period of the Nawab's parting from Mr. Middleton, and return to Lucknow.

* Printed in Appendix to the "Narrative of the Insurrection in Benares," p. 117.

† Ibid., p. 143.

6 June 1788. mother the Begum. Mr. Middleton was asked, I own, this question—I believe we had better have abstained from it. It was rather a question of observation than information; for he states he went thinly attended and with great expedition. We asked whether he did not think it extraordinary that the Nawab should go so thinly attended into the very focus of this rebellion? Mr. Middleton, seeing the effect of it, instantly furnishes him with 2,000 horse upon the spot. From that moment the Counsel lay hold of this 2,000 horse, and are determined to give it the effect of marching with this body of horse to suppress this rebellion. Hearing that Mr. Middleton could not keep company with him, he travelled so fast, we thought we should have tired some of this horse, and they would not get with him into Fyzabad. Mr. Middleton was no military man, but a gleam of military knowledge beams upon him, and he seems to think they might keep up with him. Now I choose to take the opinion of Captain Edwards against that of Field-Marshal Middleton. Upon this occasion I prefer the evidence of the Aid-de-Camp to that of the Resident. He denies the existence of 2,000 horse. He says 500 or 600 very badly disciplined, ill-paid horse—very disaffected; and Mr. Johnson and Mr. Middleton afterwards both write word that this horse of the Nawab's rose upon the Nawab afterwards for want of their pay. Therefore Captain Edwards' evidence stands clear, uncontradicted, unimpeached, when he says that these horse were not fit to be depended upon to suppress a rebellion; that they were so ill-affected that they themselves rose upon the Nawab. Therefore if there was any rebellion to have suppressed he would have applied for British troops.

Assertion of Mr. Middleton that the Nawab was accompanied by 2,000 horse.

I then find a passage in my never-failing testimony, Mr. Hastings himself, and which convinces me this horse did not keep up with him; for in his Narrative he says: "The Nabob came to me with such zeal, he travelled with such haste, that he came only with a hundred horse, the rest could not keep up with him." When he pays a visit with equal haste to his mother, then the 2,000 can very well keep up with him. But I will give up this point to the Counsel; they shall have every one of these 2,000 horse, camels, elephants, and all, upon the full trot and gallop, if they please, to the gates of Fyzabad—and then what do they get by that? Why Mr. Middleton tells you in his very same evidence it was his usual guard; he never paid

a visit of friendship or respect, or went upon a hunting party, without these 2,000 horse; so that all they would establish is, that the Nawab, in going to pay a visit of respect and affection to his mother, did not fail in that respect, but went with his usual state. We could have no motive to maintain that the Nawab was to lay aside his usual state, and pay a visit to his mother incog., unless he had meant to match the rebellion—unless he had heard of a rebellion incog., and thought it a magnanimous thing to go to suppress it in the same manner—that this was from some strange, perverse, magnanimity in the Nawab, that hearing of a rebellion incog.—in disguise—he thought to suppress it himself in disguise without a guard. 6 June 1788.

We don't mean to maintain the Nawab to be of the character of Princes who travel privately to learn fashion from France, or liberty from England, not demanding the aid of state; but only that he went as he usually did go, and that it was a breach of decorum and violation of duty if he had not gone as he did go. Therefore, with respect to these 2,000 horse, wishing to pleasure the Counsel all I can, they shall have every man and horse brought to the gates of Fyzabad—then what comes of them afterwards? Mr. Middleton owns that it was a visit to his mother; he confesses that there was not a single word said by the Nawab to him upon their parting that he had heard of any rebellion; and more, he confesses that, after his return to Lucknow, he never once mentioned a syllable of this rebellion. Therefore the rebellion, if it ever had existed, was over at that time, and not only so, but it was forgotten—an old, stale rebellion, of a week or ten days, and quite forgotten; for the Nawab never mentioned a syllable of it to Mr. Middleton upon his return to Lucknow.

No mention made of the rebellion by the Nawab to Mr. Middleton.

I think the Counsel will find that they have not been able to maintain any idea of an actual rebellion ever having existed. Perhaps we shall be told that as to actual rebellion that is only a way of speaking. Mr. Hastings has [said] that he never meant that there really was war levied—though it is so expressly stated, and that the eunuchs headed these troops—but that there were certain symptoms of disaffection and troops levied for the service of Cheyt Sing, and also the suspicious conduct of the faujdar at Tanda.

Rumours of the mutinous sepoys.

Now I come then to these two points. With regard to there being rumours abroad from the mutinous sepoys that

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entering the Begums' service.

they were going to the Begum's service—even if she had levied troops, that was not a proof of disaffection to the English or rebellion to the Nawab; because if, as they have stated, there was a confusion in the country, the natives took to arms, the general cry was against the English, if the Begum did levy troops, it might have been in order to maintain the authority of her son, or even to assist the English, in case their affairs were driven to that situation as to have required any assistance; so that, even if the fact were that Jewar and Behar Ali Khan had raised troops it would not amount to much.

Respecting the 1,000 najibs raised by the Begums, and sent to Cheyt Sing.

But now we are come to a strong circumstance—that is, these thousand najibs, which so many questions were put by the Counsel upon; for they are as fond of them as of the 2,000 horse. These were raised in Fyzabad by the Begums, as Mr. Hastings says, and sent to the assistance of Cheyt Sing. Now I will undertake to say I shall rout these najibs in five minutes, and show the extraordinary confidence any person must have who should advance any such proposition. Colonel Hannay says "he was credibly informed that, two or three days before his arrival at Fyzabad, a man named Sheakh Khan had marched from thence in order to join Cheyt Sing, with a thousand horse and foot, and that several other detachments had before proceeded from thence with the same design." Mr. Hastings, upon this, writing home to the court of Directors upon the 11th of February, says, "The circumstance of these levies is further corroborated by various reports from Fyzabad, and by the list,"—I beg your Lordships to attend to this list; it is the list of Cheyt Sing's forces, delivered to the Governor General at Chunar. This list is given by a man of the name of Sheakh Mohammed Aumeen Meyher, who was second in command, and had certainly a good opportunity of knowing where the troops came from under Cheyt Sing —"in which the troops said to be come from Lucknow, which formed a part of his strength, must evidently be the same (since they agree in number) with those which Colonel Hannay declares to have been raised and sent to him from Fyzabad." Now it is so incredible a circumstance, so wholly unprecedented, that ever there were two corps of a thousand men each mentioned in any other part of the world, that they must be the very same, though stated to have come from another place by the very man who had the best opportunity of knowing. Our curiosity is raised,

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and we go back and look a little into this account. Mr. Hastings gives a very good character of this man, and of the probability of his giving good intelligence; and it is upon this intelligence that he founds the whole of his opinion of Cheyt Sing's strength before the capture of Pateeta. He says:—

"The following is a catalogue of Cheyt Sing's whole force, which has been since delivered to me by one of his principal officers, and, as it made a part of a sworn affidavit, I admit and credit it as genuine: it is certainly not exaggerated."*

One of the articles in this catalogue is—"A thousand nujeeb swordmen from Lucknow."

Now it appeared that the Begum's najibs were matchlock men, and that the Counsel have taken the greatest pains to establish, forgetting in this account I suppose that they represented the najibs in Cheyt Sing's camp to be swordmen. Colonel Hannay represents them as horse and foot. It might be ten times over proved if necessary that the Begums had not an horseman in the world; that the najibs were all footmen—matchlock men—and not swordmen. Now here comes the most whimsical circumstance: this man, who had the best information, as Mr. Hastings says, being upon oath, ought to be credited. He says these najib men came from Lucknow, and not from Fyzabad. We did ask a question, which your Lordships I believe stopped us in, whether the person who was second in command with Cheyt Sing, and served with these troops, had not a better opportunity of knowing from whence these men came than Colonel Hannay, who never saw them, and Mr. Middleton who never heard of them? The question answered itself. But Mr. Hastings, in order to get rid of this, says, in his second Defence:—

Evidence that they came from Lucknow, not from Fyzabad.

"These facts have been proved by the depositions of Lieutenant-Colonel Alexander Hannay, Major John M'Donald, Captain John Gordon, and many other witnesses, taken before Sir Elijah Impey, at Lucknow and Chunar, within three months of the time in which the events had passed: and in one of the latter, namely, that of Sheikh Mahomed Aumeen Mheir, a commandant, and the second officer in command, of the service of Cheyt Sing, a list of the troops which composed Cheyt Sing's force during his rebellion was delivered by him upon oath; in which were inserted 1,000 nejeebs, or swordmen, newly entertained from Lucknow; which exactly corroborates the testimony of Colonel Hannay and the other English officers, who mention the recruits enlisted by the Begum's authority at Fyzabad, by the same name of nejeebs, the deponent supposing them to have been sent from Luck-

* "Narrative of the Insurrection in Benares," p. 43.

6 JUNE 1788. now instead of Fyzabad, through an evident mistake of one capital for the other."*

It was so extremely natural that this man commanding-in-chief, should mistake one capital for another, being a native of the country and knowing the whole of it, and that he must have been in the wrong, and Colonel Hannay who never saw them, and Middleton who never heard of them, must have been in the right! But I suppose there is some circumstance of internal evidence that makes it utterly improbable or impossible that they should have come from Lucknow, that it evidently must have been a mistake of one capital for another. Your Lordships will recollect that we have placed it in evidence before you that, during the absence of the Nawab, there was no part of the whole country that appeared so full of that hatred and malice which Mr. Hastings describes the whole country to have borne against the English—so full of that resentment against the name of the English—as this capital of Lucknow. Now your Lordships will hear what Mr. Hastings says, and then judge whether there is an internal proof of the impossibility of their having come from Lucknow, and of this man who must know the circumstance having evidently mistaken one capital for another. Mr. Hastings says:—

Extract from Mr. Hastings' Narrative.

"I had received several intimations imputing evil designs to the Nabob, and warning me to guard myself against them, and especially to be careful that I did not expose myself to the effects of concealed treachery by visiting him without a strong guard.

"Many circumstances favoured this suspicion. No sooner had the rebellion of this zemindary manifested itself than its contagion instantly flew to Fyzabad, and the extensive territory lying on the north of the river Dewa, and known by the names of Gorruckpoor and Bareech. In the city of Fyzabad, Nawaub Allea and Jenauby Allea, the mother and grandmother of the Nabob, openly espoused the party of Cheyt Sing, encouraging and inviting people to enlist for his service, and their servants took up arms against the English. Two battalions of regular sepoys in the Vizier's service, under the command of Lieutenant-Colonel Hannay, who had been intrusted with the charge of that district, were attacked and surrounded in various places, many of them cut to pieces, and Colonel Hannay himself, encompassed by multitudes, narrowly escaped the same fate."†

A direct untruth; because here Mr. Hastings says,—"I was warned against the Vizier. Among the circumstances that led me to pay some attention to that warning is this—that the Begum had employed troops; had sur-

* The "Minutes of the Evidence," &c., p. 364. † "Narrative," p. 36.

rounded and nearly cut off Colonel Hannay." This is his reason for thinking there was ground to suspect the Wazir before he joined him at Chunar upon the 11th of September: whereas it was upon the 7th of October that Major Naylor rescued Colonel Hannay from his distressed situation. I observe that only in passing: but he says:— 6 JUNE 1788.

"The Nabob Vizier was charged with being privy to the intrigues which had produced and fomented these disturbances, and the little account that he seemed to make of them served to countenance the suspicion. I can truly say for myself that I never afforded it the slightest degree of credit: neither his character, the tenor of his past conduct, the expectations which I knew he entertained of assistance and relief from myself, nor his inability to support himself without the protection of our government, allowing me for a moment to entertain a thought so injurious to his fidelity and so contrary to probability. Yet I was not perfectly free from apprehensions similar to such a suggestion. The Nabob was surrounded by men base in their characters and improvident in their understandings, his favourites and the companions of his looser hours; these had every cause to dread the effect of my influence on theirs, and both these and the relations of the family, whose views of consequence and power were intercepted by our participation in the administration of his affairs, entertained a mortal hatred to our nation, and openly avowed it. These all joined in prescribing the most pernicious and fatal counsels to the Nabob, representing this as the time to deliver himself from what they described as the yoke of servitude."

These were the men in whose hands he says he acquitted the Nawab. But the Nawab was absolutely in their power and in the hands of these men. Therefore here he furnishes the completest evidence of the infinite probability that there was no mistake in the account—which is in itself a strong presumption, being by the man who best knew and could judge upon it, that there was no evident mistake of one capital for the other, but that those persons who hated the English and could use the Nawab's name without his authority (even admitting that the Nawab did not hate us, which has never appeared)—this is decisive that these troops did come from Lucknow, as stated, and not from Fyzabad:—

"Although he firmly rejected all their persuasions, and I was assured of it, yet he himself was at their mercy, and it was in their power to use both his authority and his person for the perpetration of their own designs."

Now it is here perfectly clear: for your Lordships will recollect that the persons who accompanied the Nawab were Hyder Beg and Hussein Reza Khan, both creatures of

6 JUNE 1788. Mr. Hastings, and therefore of whom he was not afraid—Hyder Beg particularly—who were the people about the Nawab who were left behind at Lucknow, and who could use the Nawab's name in his absence; and the presumption would have been that, even if these men in Cheyt Sing's army had been put down to have come from Fyzabad instead of Lucknow, it would have been clear that it was a mistake of one capital for the other. So much for this important circumstance of the najibs.

Reason for Mr. Hastings not including Saadat Ali in his accusation of rebellion.

Here your Lordships I am sure will observe that, when I am defending the cause of the Begums against this accusation, it appears a little extraordinary that I have only one client upon the occasion; because all the testimonies—those weighty, credible, authentic testimonies, which it was so indecent in Mr. Burke to call careless or irrelevant—that every one or almost every one state the Wazir, and all of them state Saadat Ali, as being equally hostile to the English as the Begum. What became of Saadat Ali, that there was no suspicion, no inquiry, into his conduct? You have an answer to that in a few words by Sir Elijah Impey. He is asked "Had Saadat Ali any wealth?"—"No, he was miserably poor: he was a pensioner either upon the English or the Nabob." There you find his purity: there could be no suspicion of treason where no man could find treasures; there was no object to convict him of a plot who had no wealth. His purity is found in his poverty, his safety in his insolvency; and, through the whole course of these transactions, you will perceive that Mr. Hastings' doctrine reverses all we have learned in history, where we find that enterprises, intrigues, plots, belong to the desperate.

Saadat Ali, therefore, he dismisses in a short line in his Narrative. He says that, when he left Benares, he desired him to take care of some prisoners: the good he did was certain and the evil he did precarious. The same observation, one would think, a just and candid mind would at least apply to the Begum in saving Captain Gordon: the good she did was certain, and the evidence against her, after hearing it all, you will admit at most is but precarious. But I come now to the strong material fact against the Begum, namely, the conduct of Shumshire Khan at Tanda.

Conduct of Shumshire Khan at Tanda.

Your Lordships have heard the account given of this transaction by Captain Gordon: you will now hear the representation made of it very shortly by the Begum herself,

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in a letter to Mr. Hastings [Mr Bristow] previous to her treasures being seized. She says:—

Letter of the Begum.

"The disturbances of Colonel Hannay and Mr. Gordon were made a pretence for seizing my jaghire. The state of the matter is this:—When Colonel Hannay was by Mr. Hastings ordered to march to Benares, during the troubles of Cheyt Sing, the Colonel, who had plundered the whole country, was incapable of proceeding, from the union of thousands of zemindars who had seized this favourable opportunity. They harassed Mr. Gordon near Junivarra, and the zemindars at that place and Acberpore opposed his march from thence till he arrived near Tanda. As the Tanda Nulla from its overflowing was difficult to cross without a boat, Mr. Gordon sent to the foujdar to supply him. He replied, the boats were all in the river, but he would according to orders assist him as soon as possible. Mr. Gordon's situation would not admit of his waiting. He forded the Nulla upon his elephant, and was hospitably entertained and protected by the foujdar for six days. In the meantime a letter was received by me from Colonel Hannay desiring me to escort Mr. Gordon to Fyzabad. As my friendship for the English was always sincere I readily complied, and sent some companies of nugives to escort Mr. Gordon and all his effects to Fyzabad, where having provided for his entertainment I effected his junction with Colonel Hannay. The letters of thanks I received from both these gentlemen upon this occasion are still in my possession; copies of which I gave in charge to Major Gilpin to be delivered to Mr. Middleton, that he might forward them to the Governor General. To be brief, those who have loaded me with accusations are now clearly convicted of falsehood. But is it not extraordinary that, notwithstanding the justness of my cause, nobody relieves my misfortune? Why did Major Gilpin return without effect? My prayers have been constantly offered to Heaven for your arrival—report has announced it; for which reason I have taken up the pen and request you will not place implicit confidence in my accusers, but, weighing in the scale of justice their falsehoods and my representations, you will exert your influence in putting a period to the misfortunes with which I am overwhelmed." *

Escort sent by her for Captain Gordon.

Now, my Lords, we are at issue upon this point—whether is this representation of this transaction just and truly made by the Begum, in opposition to the account given of it which I have read before? I am sure your Lordships have not forgot the circumstance of those letters which passed between Colonel Hannay, Captain Gordon and the Begum.

Her account confirmed by letters of Colonel Hannay and Captain Gordon.

We find in every respect that these letters prove that the Begum's account and representation of this transaction is literally and accurately true. We find a copy of a letter from Colonel Hannay to Jewar Ali Khan and Behar Ali Khan, her ministers, in which he says:—

"I had the pleasure to receive your friendly letter fraught with benevolence, and whatever favours you, my friends, have been pleased to

* Letter from the Bow Begum to Mr. Bristow.—Printed in the "Minutes of the Evidence," p. 696.

6 JUNE 1788. confer respecting Mr. Gordon afforded me the greatest pleasure. Placing a firm reliance on your friendship, I am in expectation that the aforesaid gentleman with his baggage will arrive at Fyzabad in safety, that the same may oblige and afford satisfaction to me.*

In another letter from Colonel Hannay he thanks them in the warmest terms of gratitude, expresses his astonishment that another letter of his had not reached the ministers, and writes:—

"You wrote me to remain perfectly easy concerning Mr. Gordon. Verily, from the kindness of you, my indulgent friends, my heart is quite easy. You also observed and mentioned that, as Mr. Gordon's coming with those attached to him, probably his sepoys and others, might be attended with difficulty, if I approved he should be invited alone to Fyzabad. My friends, I place my expectation entirely upon your friendships, and leave it to you to adopt the manner in which the said gentleman may arrive in security without molestation at Fyzabad; but, at the same time, let the plan be so managed that it may not come to the knowledge of any zemindars. In this case you are men of discernment."

Here he plainly shows that he knew who were the enemies of himself and of Captain Gordon — who had attacked and harassed their march; and that he also well knew where he was to find protection and where he was sure of safety. At the end of the letter he says:—

"From Mr. Gordon's letter I understand that Mirza Imaum Baksh, whom you dispatched thither (to Tanda), has and still continues to pay great attention to that gentleman, which affords me great pleasure."†

Here your Lordships perceive that upon the first application of Captain Gordon to Colonel Hannay, telling him of the letter before he quitted his station at Tanda, and complaining of the behaviour of the faujdar, the Begum sends a person to take care of him till they can provide for his march from Tanda in such manner as not to be annoyed by the zamindars, or, as is expressed by the Begum in a letter to Colonel Hannay,—"by the short-sighted and deluded ryots, who had carried their disturbances and ravages beyond all bounds." By which it appears that, in another letter, Colonel Hannay had stated what was the fact—that it was the peasants assisting the zamindars who had attacked Captain Gordon. Mr. Hastings, writing to the Directors, states that Captain Gordon was attacked by troops levied

* Printed in the "Minutes of the Evidence," p. 697.

† Printed as above, p. 698.

under the authority of the Begums. Then there is a copy of a letter from Mr. Gordon to the Begum, after he had been brought safe from Tanda to Fyzabad—after he had gone from Fyzabad and had joined Colonel Hannay in perfect safety, owing to the efforts and interference of the Begum. He says:— 6 JUNE 1788.

"Your gracious letter, in answer to the petition of your servant from Goondah, exalted me from the contents. I became unspeakably impressed with the honour it conferred. May the Almighty protect that royal purity, and bestow happiness, increase of wealth and prosperity! The welfare of your servant is entirely owing to your favour and benevolence."

There then comes another letter to Behar and Jewar Ali Khan from Captain Gordon, in which he repeats his gratitude and thanks to them, and says:—

"My indulgent Friends,—I have the pleasure to inform you that yesterday, having taken leave of you, I passed the night at Moorgunge; and next morning, about ten or eleven o'clock, through your favour and benevolence, arrived safe at Goondah."

Here then, my Lords, you perceive the real fact, supported, not by any collateral or by any circumstantial evidence, but by the strong, decisive, testimony of these persons themselves, and of Captain Gordon, who acknowledges that his preservation was entirely and wholly owing to the Begums.

Circumstance of the Begum's assistance of Captain Gordon omitted in the affidavits.

Now, I must observe upon the circumstance of this being omitted by Mr. Middleton, by Colonel Hannay, and by Captain Gordon, at the time they made their depositions before Sir Elijah Impey at Lucknow. The Counsel ask us in a scorning and taunting manner why we have not called Captain Gordon to your Lordships' bar? I will not call Captain Gordon to your Lordships' bar; and I do hope and trust that, if ever I do see him at your Lordships' bar, I shall see him there with contrite zeal and penitential eagerness endeavouring to atone for the injury which has been done by his testimony to his benefactress. I must suppose one of these things,—either that he acted under some fascinating or domineering authority from those who collected in this scandalous manner this mass of testimony; or else, that they did conceal from him that upon his testimony that strong measure, the confiscation of the treasures, and possibly the destruction of these women, was to depend. I say, if they took his testimony as if it was only an account of his having lost his detachment—if they took it only as an authority to repay him for the baggage that had been plundered—if they took it and

Observations upon Captain Gordon's affidavit.

6 June 1788. concealed from him that upon this testimony the ruin of these women depended—I say they added to the other frauds of this transaction the guilt of this scandalous delusion upon that officer. I will not believe, till I hear it from Captain Gordon's own mouth, that if he had known this circumstance he could have concealed this testimony for the credit of the Begums, that he would have lent the breath of his life (which was her gift and her bounty) to her destruction, when he stood in the presence of his God before whom he swore. My Lords, I will not believe it; my respect to human nature forbids me. I therefore do say that I hope, whenever I see Captain Gordon at this bar, that he is struck like Major Gilpin with this—that, however he might have been misled at the time he made this affidavit, yet, upon cool, temperate, reflection, he finds he was imposed upon; that he was imposed upon possibly by their giving that false account of this transaction which they afterwards did, namely, that the Begums were influenced by hearing of our success at Benares. If he was so deluded, he may explain that delusion to your Lordships; but till that time I will not believe that Captain Gordon, who said to the Begums, "The welfare of your servant is entirely owing to your favour and benevolence," meant to say, "and the gratitude of your servant shall be your destruction." Therefore let the Counsel call Captain Gordon, and then let this matter be cleared up before this court.

Efforts of the Counsel to prevent the production of evidence on this point.

Your Lordships I dare say will recollect the pains which were taken under legal quibbles and technical forms—reluctantly taken I have no doubt by the Counsel—to oppose our producing this evidence before your Lordships. I must beg to call your Lordships' attention to the evidence of Mr. Middleton upon this subject. We hold up to your Lordships his letter-books. We show you a letter from Major Gilpin upon this occasion, where he talks of this transaction. He speaks of letters enclosed; that the record is defaced; that the papers are torn out. We showed your Lordships in another book, which was letters received, where, if he did, as he must have done, mention something of this transaction to Mr. Hastings, that there again in the very same period of time the leaves are torn out.

Mutilation of Mr. Middleton's letter-books.

Mr. Middleton's evidence in explanation of the suppression of the letters.

Mr. Middleton is pressed upon this subject, and his answer is — that he does not recollect having transmitted these letters; that he left a Persian copy of them in his office—a thing against all practice and all precedent, as the very

intelligent testimony of Mr. Purling has made clear to your Lordships. That he left a Persian copy of them in his office! Why did he do so? Why not transmit them to Mr. Hastings? He says he received them (looking at the date of Major Gilpin's letter) the day before he left Lucknow. 6 June 1788.

A flat perjury, my Lords—he received them a month before: we have established that by Major Gilpin's testimony. They were not enclosed in the letter of the 17th of October; but the time clearly appeared to your Lordships at which Major Gilpin delivered them, as he says with his own hand, to Mr. Middleton at Lucknow. We reminded Major Gilpin, who recollected the circumstance immediately, that he wrote a letter in October from Deriabad in his way from Fyzabad to Lucknow; that he arrived at Lucknow upon the 23d or 24th of September. Upon the very day or the hour after his arrival he gives these letters into Mr. Middleton's hands; he points out their authenticity—for Mr. Middleton affects to doubt of the authenticity, and affects to him not to have known of this transaction, though, as appears from his evidence, he knew of it before the affidavit of Captain Gordon—yet he neglects to transmit it to Calcutta, "because," says he, "I left Lucknow the next day." We have proved he did not leave Lucknow till the 24th or 25th of October. We show by the date of the orders that they were not issued for his recall at that time. We show a letter of the 8th of October from Lucknow, in which he transmits Persian correspondence in a matter of no importance; and he swears positively that he knew these letters were of importance, but that he had not an opportunity of transmitting them, because he left Lucknow the next day!

I think your Lordships see the real truth of that transaction and the falsehood told at your bar upon that occasion. No wonder after this the letters disappear from the letter-book. Notwithstanding all these efforts you see at last they do appear, though they were suppressed, when invoking the name of their Maker to what they said—though torn from their records—though, with a criminal negligence or with a base fraud, Mr. Middleton neglected to transmit them at the time. You see that strong cherub Truth, empowered by that will which gives a giant's nerve to an infant's arm, has burst the monstrous mass of fraud that has endeavoured to suppress it. It calls now to your Lordships. It is the weak but clear tone of that cherub Inno-

6 JUNE 1788. cence, whose voice is more persuasive than eloquence, more convincing than argument; whose look is supplication; whose tone is conviction. It calls upon you for redress: it calls upon you for vengeance upon the oppressor, and points its heaven-directed hand to the detested but unrepenting author of its wrongs.

Efforts of Mr. Middleton to explain away the Begum's assistance to Captain Gordon.

These things, my Lords, having come to light, one more expedient is to be resorted to. Finding that we had got them in the House of Commons, and placed them in our charge, Mr. Hastings has recourse to another expedient: he says:—

"Upon the letters of Colonel Hannay and Captain Gordon, quoted by the Bow Begum in proof of her innocence of the conduct imputed to her and her servants, it is only necessary to observe that they were written at a time and under the impression of the Begums having it very much in their power to contribute to the safety, or possibly to the destruction, of Colonel Hannay's detachment, then in a very precarious situation in the neighbourhood of Fyzabad, and at a time too (a remarkable time) when our affairs at Benares were supposed by those officers to wear an unfavourable aspect. The Colonel's first object was to procure safety for the person of Captain Gordon, who was at the mercy of the Begums and their eunuchs; and for this purpose he thought no means so likely to succeed as declaring an implicit reliance on their friendship and good faith, and affecting to consider himself under obligations to them. Captain Gordon, however,"—

[now is the point]—

"most probably owed his salvation to another influence. Soon after he fell into their hand by the treacherous conduct of Behar Ali Khan's naib and adopted son at Tanda, the news of some successful operations of our troops at Benares reached the Begums; and, as affairs began to promise a speedy and decisive issue in our favour, it is not surprising that the Begums and their agents should endeavour by acts of kindness to efface the impression which they must have been sensible their conduct had made to their discredit."

This is the probable account—this the account upon which, when driven to his last refuge, Mr. Hastings is to rely. The Counsel, I observed, in the course of their examination, have pointed particularly to this Defence, and seem to rest upon it. Will they fairly join issue with me upon this fact? I will be content that the whole cause should rest upon it—that, not when our affairs began to prosper—not when there was a prospect of a favourable issue—but in the very worst period of the British affairs, then this woman did this generous action. That I will prove very shortly to your Lordships.

Dates of the letters of Colonel

In the first place, he must have been led into this wilful, fraudulent, falsehood by observing that the letters

6 June 1788. Hannay and Captain Gordon.

were without a date. But he must have had a poor and mean opinion either of the common intellect or common industry of those concerned in the prosecution if he thought they could not date them to an hour. They remained six days at Tanda, and then were hospitably entertained by the Begums. On the 8th they first sent a gentleman to show them civilities at Tanda. From that to the 14th September is the time when this transaction happened. Now let us see what had happened, and what news, true or false, had reached Fyzabad during that period. In the first place, what had happened? Why the Counsel asked some questions, the motive of which might not perhaps appear to your Lordships, but it appeared that upon the 3d of September our troops had gained an advantage at Pateeta under Captain Blair. Pateeta was not taken till the 22d—then our affairs did take a prosperous turn. But there was an action upon the 3d of September in which we had an advantage; granted, if they please: but not for the purpose for which they wish it to be established. Captain Blair was sent to surprise the enemy's camp: he fails in his attempt, and writes word of having accomplished the service, though he could not surprise the enemy's camp, which he states as originally his orders, and he returns: and the truth of the action was this—he tried to surprise the camp: they fought stoutly; killed forty-eight of his men out of a small detachment: he got two or three guns and a tumbril, and returned to Chunar. What is the account given of this transaction? Mr. Hastings states it as a victory, adding at the same time that they could not afford such another victory, his situation was so desperate. Cheyt Sing claims it as a victory too; and I have Mr. Hastings' authority for it in the Narrative, where, in a letter written to him afterwards, Cheyt Sing says he was successful in all the actions. Was there any false report or false account upon the subject of this action? What was the effect of the report of this? You find in the letter of Jacob Barnet, which I mentioned before, dated the 18th of September, he being at Lutteepoor with Cheyt Sing: he says:—

"For Heaven's sake, Sir, condescend to listen to some terms of conciliation while we can do it without lessening our dignity. Pardon me the presumption of advising you. I am, it is true, wanting in wisdom and the knowledge of politics, but I see the Rajah is very, I fear too, formidable."

6 JUNE 1788.

That letter is of the 18th September, before we had taken Pateeta, but fifteen days after this famous action under the walls of Pateeta. There was enclosed in Barnet's letters a letter from Major Macdonald, who lay near Fyzabad, and was therefore in the way of hearing good intelligence, if any ever false intelligence had reached him. He there, in affecting but rather ludicrous terms, takes leave of Mr. Middleton. He says:—

Letter of Major Macdonald to Mr. Middleton.

"My dear Natt,—In such critical times as these every man has a right to relate what he hears: a friend should and may do it without impropriety. Therefore, before Hannay leaves the neighbourhood of Fyzabad, I write you my news and opinion lest hereafter our communication be cut off. There is certainly villany abroad. The Nawab it is said set out well inclined to our interest, but, since, he and Saadit Ally have come to a proper understanding. The latter wrote him he was wrong to give us any assistance; that such another opportunity might never offer of striking off the yoke: as yet he need only stand neuter himself, and, under pretence of assembling his zemindars to attack Cheyt Sing, privately direct them to obstruct the junction of our forces by every possible means. The Begums gave the same advice, and promise of money. This Cheyt Sing has already disbursed to a great amount. This plan was the cause of Gordon's disaster; being attacked in the Nabob's country while he thought himself among friends. My information is from some zemindars whom I have had it in my power to be kind to; also, it is the public talk of Fyzabad, where my people are daily insulted. Likewise Zalim, who is with two thousand men on the other side, and means to cross in the morning boats—that he will soon do for us, as the Nabob will send Hannay no assistance—that he is sure of—nor will any of the collectors pay more money: we shall therefore shortly have none to pay our troops with, while they have plenty. Hannay is now about two coss below Rye Ghaut on the Oude side, with only two companies, two guns, and, I believe, some disaffected horse. I have written him pressingly to cross to this place; for, should Zalim be over before him, I shall be hemm'd up in a small fort with 150 sepoys, when Zalim will take care Hannay does not get over to relieve me; perhaps, while attempting to pass the Gogre, be attacked by the people of the Begum with the zemindars set on by her. In such an event he could not possibly escape destruction. My wausclant would soon be settled after such an accident. I am apt to think this Mahrattah treaty is only a fetch to gain time until the rains are over for certain, as their horse could not act during that season. Look to yourself, Nat: you may be in the Nabob's power. Mr. Hastings should not leave Chunar until there be force very sufficient at hand both to check his Excellency and do for Cheyt Sing, lest he get into a worse scrape. A very few days will determine it one way or other with regard to us rulers over these. You may think me humming, but it is more than odds we never, never, meet again. God prosper you; and pray take care," &c.*

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* Printed in the "Minutes of the Evidence," p. 611.

So says Major Macdonald upon the 9th of September. Your Lordships find the same sort of alarm expressed in a correspondence of the same period of Colonel Morgan. But there are proofs in abundance that Cheyt Sing's report of this action was rather credited than Mr. Hastings', Mr. Hastings having himself said, in a letter to Mr. Wheler, that when anything happened he put the best face upon it; which was a politic and commendable fraud, I admit, because his letters were mostly intercepted: but Cheyt Sing's report that his troops fought bravely (which the officers admit and were astonished at it) and had the advantage, was the report which gained ground. 6 June 1788.

I will not dwell upon the mass of evidence upon the subject, but only beg to remind your Lordships of some circumstances I took notice of, namely, that all the officers of Oude who are swearing to the reports they had heard—and here the report is of more consequence than the fact—of the advantage gained under the walls of Pateeta, they all swear they heard that Mr. Hastings was actually cut off, and they mention this after they heard of Captain Gordon's affair at Tanda. They hear Mr. Hastings was destroyed, or in a desperate situation at Chunar; therefore, if they do lay stress upon these affidavits, let me quote them for one circumstance they do prove. But I come to my never failing evidence—Mr. Hastings. What was the hour in which he tells us:—

"Before I proceed it may not be improper to state the other resources on which he, Cheyt Sing, not very unreasonably depended for lengthening the war, if not for success in the course of it. First, his fortresses, of which there are many, and some of considerable extent and strength, erected in various parts of the zemindary. Of these the two principal are Bidjegur and Luttufpoor."

Then he says, "Pateeta is a very large town surrounded by a rampart of earth." At the moment in which he enumerates Cheyt Sing's forces and resources with this alarming sort of accuracy, it is before the capture of Pateeta. "His next great resource was his wealth, on which he looked and thought himself invincible,—an expression which I borrow from one of the meanest of his dependants." Then he speaks of his allies. Then he says: "The distresses of our government, and the power and number of its enemies, may also be reckoned, though negative, yet among his

6 JUNE 1788. resources."* That is the authority of Mr. Hastings himself at that period. Then I have his authority again—for it never fails me against himself, as your Lordships will perceive through the whole of this business. When, after the 3d of September, they doubted whether they should begin their attack upon Ramnagur or Pateeta, on the 14th of September, eleven days after this action at Pateeta, he says:—

"It had been intended to begin our operation with the attack of Ramnagur, partly because it had been the scene of our first disgrace, and principally because the possession of the capital, which would follow the capture of Ramnagur, would it was thought redeem our credit with the public."

So that here, upon the 14th of September, he confesses that their credit remained to be repaired with the public.

In his Defence before the House of Commons he truly describes what his situation was at Chunar. He says:—

"It is well known that, by the example and at the instigation of Rajah Cheyt Sing, the zemindar of Benares, the inhabitants of that district revolted from our government, and continued in a state of rebellion from the 22d of August to the 22d of September '81."

That was till they took Pateeta.

"During this short but important period I was confined to the fortress and plain of Chunar, and in a situation which in the apprehension of many portended certain destruction to myself and my small party."

That is his own account of his situation at Chunar till the 22d of September. But here is I think a circumstance as curious—there are various others, if I was to detain your Lordships in heaping a prodigality of proof upon proof, which I am almost ashamed of doing—but here is a passage in this very paragraph in which first he gives this fraudulent pretence; he says:—

"Colonel Hannay was influenced by their having it in their power to contribute to the safety or possibly to the destruction of Colonel Hannay's detachment: this is the reason why Colonel Hannay applied to them in this civil way, and at a time when our affairs at Benares bore an unfavourable aspect."

So that here he makes the motive of the officers applying to the Begum in this manner to be their knowledge of the desperate and unfavourable situation of our affairs at Benares, and makes the Begum's motive her knowledge of our pro-

* "Narrative of the Insurrection in Benares," p. 44.

6 June 1788.

sperous situation. And do I say too much if I say I have proved that this woman did this transaction in the hour of the extreme distress of Great Britain; in the hour of the prosperity of Cheyt Sing; with all those resources which Mr. Hastings states; which he, with an alarming accuracy, when the danger is over records; when he was struggling with his conscience and with his fortune; while there seemed to be a cloud of ruin impending over the British name; while it appeared as if the long owed vengeance of Heaven had waited for the ripe exuberance of its guilt in the last transaction of Cheyt Sing, and was ready to burst upon our heads? Then it was that this woman, recollecting former treaties, faithful to former engagements, mindful of their former friendship, rushed forward—not to participate in the spoil—but to share the ruin impending on the British name. This is the just, the real and true, situation of this transaction. Having said so much I have concluded that part of the charge against the Begums which relates to their having assisted Cheyt Sing, and to their having saved Gaptain Gordon only upon a false and treacherous motive, namely, repenting their past bad conduct, and claiming to obtain forgiveness by late merit.

Charge against the Begums that they incited the Jagirdars to insurrection.

The next charge against them is—that they principally inflamed the jagirdars and excited them to insurrection. I shall make very little comment upon this, but give your Lordships, from Mr. Hastings and Mr. Middleton, his own account of the transaction: supposing that there ever had been any resistance; because it seems pretty well to begin that the fact is false, that resistance there never was any. But I will suppose a quibble to be founded upon this, that they mean preparation to resistance, as they talk of disposition to rebellion instead of rebellion; and your Lordships will see whether it was necessary the Begums should have used many arts and machinations to have inflamed these jagirdars. Mr. Hastings informs us that the Nawab had favourites about him unworthy the confidence he reposed in them, who made use of their influence to dissuade him from resuming the jagirs which he had granted them. A very natural thing, that those people who were to lose their estates and whole livelihood should endeavour to dissuade the Nawab from it, and should be displeased with and resist the measure. Mr. Middleton says:—

Statement of Mr. Hastings that favourites of the Nawab dissuaded him from resuming the jagirs granted to them.

"The measure of resuming the jaghires involved many and some very powerful interests, subject to such odium from the disappointment of

6 JUNE 1788. the parties deprived of their means of subsistence, and in such extensive dominions under a government so irregular in its constitution."

That is Mr. Middleton's account to Mr. Hastings for his not being able immediately to effect the resumption of the jagirs. Mr. Hastings, in his first Defence, says:—

"With respect to the other jagirdars, excepting only the Nabob Salar Jung and a very few others, they were generally the meanest and most contemptible of the Nabob's subjects, and in no shape deserving of his bounty. They were, in short, his orderlies, and other persons of that stamp, the companions of his looser hours. The personal influence of these men, which was very powerful, was naturally exerted to defeat a design which so materially affected their interests, and not without considerable efficacy."

My Lords, I shall dwell upon the subject no longer. It is so ridiculous an attempt for imposing upon our credulity, that no man who had not been lost in the arrogance of recollection of past success in imposition could have attempted to support such an argument. As if it should be said, if any such measures were taken to deprive your Lordships or any other great men in the country of your estates, that it would require the machinations of two ladies to make you a little dissatisfied with the measure.

Upon the 11th or 14th of February, 1782, he writes to the Wazir, and says that he has just received accounts that some preparation was making for resistance among the jagirdars, and that, if timely care is not taken of it, it may spread so as to become actual resistance. He writes in that manner in the middle of February, 1782: and that is the ground of accusation for having confiscated the treasures of the Begums in November, 1781—for having excited that resistance. My Lords, I shall say no more upon that subject. I shall only observe upon that transaction that there is a curious part of Mr. Hastings' conduct relating to the means he took to suppress those jagirdars, when, a little earlier, Mr. Middleton, not meaning that he should be credited (for he retracts the intelligence), writes him a letter that he expects the resumption of the jagirs will meet with opposition. Upon this Mr. Hastings writes back, saying he would send those troops, which he had pledged himself to withdraw from the Nawab's territories, and never to send them again unless the Nawab wanted their assistance: he says, "I see the Nabob wants them, and I will send them back." For what purpose does he want them? Mr. Middleton states, that the Nawab is

Circumstances respecting the offer of Mr. Hastings to aid the Nawab with troops in resuming the jagirs.

6 JUNE 1788.

in such horror at robbing those personal friends of his—whatever character Mr. Hastings may give them—that he was so shocked at being forced to deprive his friends and relations of their subsistence—that Mr. Middleton thought the enforcing it would drive him into despair which would end in his destruction; and he conjures him not to send back those troops; but if he does, Mr. Middleton says, "I shall march with those troops" Against whom?—"Against the Vizier's own aumils, who knowing the Nabob's wish upon the subject would not submit to it." "I shall despatch," says he, "the following aumils: but give me time; I don't wish to attack the whole country at once." Mr. Hastings adds this remarkable circumstance to sending them back:—"I shall make him pay for them now, not as he formerly used in a cheaper way; he shall pay a higher price now, in consideration of the circumstances under which I send them:" which circumstances are to oppose the Nawab's will—to oppose his own officers, and probably to destroy him in his own country; and therefore under these circumstances he is determined to make the Nawab pay liberally for them.

Charge against the Begums that they excited the commotions in Oude, Baraitch and Goruckpore.

My Lords, I come now to the charge that is directly and pointedly made against the Begums, namely, that they principally excited the commotions in Oude and in the districts of Baraitch and Goruckpore. There is laid before your Lordships a mass of historical evidence, as it were, upon this subject, that I believe would almost, if well looked into and well attended to, make it almost unnecessary for me to have troubled your Lordships with a single word upon the subject. Your Lordships will perceive the true source, the true origin and the real cause, of those commotions and of those insurrections in Oude. You will see it described in a manner disgusting almost from the strangeness of the calamity, and touching to the heart of any man to look over. You will see what follows the sending the gentlemen that your Lordships heard so much of into Oude—their calling for the assistance of the army whenever their rapacity was opposed—the military desire naturally to share in the spoils when they were to share in the disgrace and in the toil.

Commotions caused by the rapacity of the English officers sent into Oude.

The consequence of this is, you see the Nawab complaining to his friend Mr. Hastings: he says:*—

Letter of the Nawab complaining of their conduct.

* The Letter here quoted is from the Nawab to Raja Gobind Ram. It is printed in the "Minutes of the Evidence," p. 788.

6 June 1788. "I some time ago wrote you the particulars of the conduct of the officers, and now write them again. The officers and gentlemen who are at Cawnpore and Futtyghur, and Darunghur and other places, by different means act very tyrannically and oppressively towards the aumils, and ryots, and inhabitants, and whosoever requires a dustuck they give it with their own seal affixed, and send for the aumils and punish them. If they say anything, the gentlemen make use of but two words; one, that it is for the brigade, and the second, that it is to administer justice."

The army—who your Lordships recollect had the total administration in some of the districts in their own hands, civil, judicial and political—that they seized upon the goods of these people and managed in their own way—the Nawab said they "used but two words—the one, that it is for the army; the other, that it is in order to administer justice."

"There is at present no war to occasion a necessity for sending for it. If none comes, whatever quantity will be necessary every month I will mention to the aumils, that they may bring it for sale; but there is no deficiency of grain—the gentlemen have established gunges for their own advantage, called Colonel Gunge at Darunghur, Futtyghur, &c. The collections of the customs from all quarters they have stopped, and collected them at their own gunges. Each gunge is rented out at thirty or forty thousand rupees, and their collections paid to the gentlemen. They have established gunges where there never were any, and where they were those they have abolished. Thirty or forty thousand rupees is the sum they are rented at. The collections, to the amount of a lac of rupees, are stopped. Major Briscoe, who is at Darunghur, has established a gunge, which he rented out for forty-five thousand rupees, and has stopped the ghauts round about the Bipparies; and merchants coming from Cashmere, from Shaw Iehanabeid, and bringing shawls and other goods and spices, &c., from all quarters, he orders to his gunge, and collects the duties from the aumils; gives them a cheit and a guard, who conducts them about five hundred cose. The former duties are not collected.

"From the conduct at Cawnpore, Futtyghur, Furruckabad, &c., the duties from the Lilla of Gora and Thlawa are destroyed, and occasions a loss of three lacs of rupees to the duties; and the losses that are sustained in Furruckabad may be ascertained by the Nabob Mozuffer Jung, to whom every day complaints are made; exclusive of the aumils and collectors, others lodge complaints. Whatever I do I desire no benefit from it. I am remediless and silent. From what happens to me I know that worse will happen in other places. The second word I know is from their mouths only: this is the case. In this country, formerly, and even now, whatever is to be received or paid amongst the zemindars, ryots, and inhabitants of the cities, and poor people, neither those who can pay or those who cannot pay ever make any excuse to the Shroffs, but when they could pay they did.

"In old debts of fifty years, whoever complain to the gentlemen they agree that they shall pay one fourth, and send dustucks and sepoys to all the aumils, the chowdries and canoongoes, and inhabitants of all the towns. They send for everybody to do them justice; confine them; and say they will settle the business."

That is the way in which the gentlemen do justice, as the Nawab says, in his country. 6 JUNE 1788.

"So many and numerous are these calamities that I know not how much room it will take up to mention them. Mr. Briscoe is at Darunghur, and the complaints of the aumils arrive daily. I am silent. Now Mr. Middleton is coming here, let the Nabob appoint him for the settling all these affairs, that whatever he shall order these gentlemen they will do: from this everything will be settled, and the particulars of this quarter will be made known to the Nabob. I have written this, which you will deliver to the Governor, that everything may be settled; and, when he has understood it, whatever is his inclination he will favour me with it. The Nabob is master in this country and is my friend. There is no distinction."

Other evidence of the oppressed condition of the people of Oude.

My Lords, there is variety of this evidence. I choose to save your Lordships' time by just taking a sample of it, as it were, from the whole mass, and, without dwelling upon many more of the particulars, you will perceive that similar complaints are often repeated from the Nawab, and especially with respect to Colonel Hannay. I am ready to admit there are some circumstances respecting Colonel Hannay—I mean, in fact, his not being able to vindicate or answer for himself—that must cause regret in every generous mind that we cannot stand upon any light punctilios in this great cause, and that we are obliged to mention fairly that the whole evidence given at your Lordships' bar does go to sustain and justify that assertion of the Begum's—that the rapacity, extortion and oppressive government, of Colonel Hannay was the main cause and source, if not the only cause, of those disorders which are falsely attributed to her.

Evidence of Colonel Hannay's rapacity.

Letter of the Nawab.

There is a letter, of the 15th of September, 1782, from the Nawab:—

"My country and house belong to you. There is no difference. I hope that you desire in your heart the good of my concerns. Colonel Hannay is inclined to request your permission to be employed in the affairs of this quarter. If by any means any matter of this country, dependent on me, should be intrusted to the colonel, I swear by the Holy Prophet that I will not remain here, but will go from hence to you. From your kindness let no concern dependent on me be intrusted to the Colonel, and oblige me by a speedy answer which may set my mind at ease."*

He does get a late answer from Mr. Hastings, vindicating himself for ever having intended so monstrous a thing as to employ the Colonel again; but it was unluckily after the Colonel was dead.

* Printed in the "Minutes of the Evidence," p. 660.

6 June 1788.

I shall pass over, as I said, many other circumstances of oppression and inhumanity, and gladly come to anything that looks of a contrary quality; but, at the same time, the little anecdotes in this letter and the manner in which they are expressed serve more forcibly to imprint upon your Lordships what the real oppression of these poor creatures was, and their sense of it, than any recapitulation I could make of the cruelties and acts of tyranny themselves.

Humanity of Major Naylor.

Major Naylor, who relieved Colonel Hannay when in that desperate situation upon the 6th of October, remains afterwards in the country; and I am glad to say that he does seem to have been a man of a humane, considerate, temper, and that he was so considered by the poor people. He speaks of a person who was confined with his family—as the custom was of all the people of the first rank in that country, putting them in those cages, adding the shame and dishonour of public disgrace to the pangs of imprisonment. He says:—

Letter of Major Naylor.

"I have considered, since you left me, more fully the matter that I was speaking to you of Rajah Hindooput, and request to refer it to your consideration; that is, as I seized him, and as his family since his confinement has been frequently deceived—and for which his brother offers to come to me, but on no account to the aumil—as he has paid his full balance due to the government, and offers undoubted security for the performance of the rest—whether his being delivered over to me would not in some measure be the means of restoring that confidence to the nation in the name of a European which has a good deal suffered, and which my assembling his family (who absolutely refuse to go near the aumil) and securities, &c., together may not have wished for effect. As there is nothing contained in this, more than restoring a little confidence among them, and as I have been a party from the commencement of these troubles, it will be placing me in the point of view amongst them that I would wish to appear in."*

A natural wish, to contrast himself as much as possible with the memory of Colonel Hannay's government.

Letter of Thomas Hall.

On the 20th June, 1782, Thomas Hall writes in this manner to Mr. Middleton; he seems also to have acted towards them with great humanity:—

"I had an opportunity yesterday and the day before of showing some little acts of generosity to the prisoners, particularly in giving some of them money to purchase their freedom from Sookal, when they might go back to his prison. Whether those acts of attention to the wretched state of these people, or fears from our further and immediate resent-

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* Dated on the 8th of January, 1782; and printed in the "Minutes of the Evidence," p. 656.

ment, have operated on the sardars in the villages, I cannot say; but I have had to-day grass sent into camp without sending for it, with Bramins from most of the villages assuring me that I shall never find any further trouble in this district. From the great pains I take to give the most convincing proof that justice, moderation and humanity, are the rules of our conduct, I hope these people will regard us in a more favourable light than to intend, far less attempt, to quarrel with our sepoys or followers."* 6 June 1788.

That is the account of Mr. Hall.

Mr. Bristow's account of the illtreatment of the people.

There is one letter more, and also a paper, which, if your Lordships advert to the evidence, is an historical account from Mr. Bristow, when he went into the country afterwards, in which he describes the progress of the oppression and inhuman conduct, and general bad system, which led these people to the insurrections. He describes the general state of mind in which they then were. It was written by Mr. Bristow with great accuracy, upon his return to Lucknow.† The letter is from Major Naylor. He said he found Colonel Hannay, whose situation was beyond description. It appears that great numbers of these poor, oppressed, injured, wretches were with mad revenge gathering round him, and he upon the point and brink of being destroyed, when Major Naylor arrived and dispersed the rebels. He gives an account of the transaction, and then says that those people, who from the affidavits and through the whole course of this evidence your Lordships perceive to have been the most timid wretches that ever were, seven or eight thousand flying before eight or nine sepoys, were so obstinate. There must have been great carnage, for they would neither fly from their death when disappointed of their revenge, nor suffer any assistance to be given to their wounds.

From these short specimens, from these authentic documents before your Lordships, with respect to the real causes of the insurrections of Goruckpore, can it be credited that Mr. Hastings himself, who justifies, authorises and, as it were, sums up and vouches for the truth of the ill-conduct of the British officers and other persons concerned with them, in the reasons he gives for removing them from Oude and sweeping them from other parts of the country—that he could have accounted for it in the misconduct of the Begums?

Reflections on the desolation of the country occasioned

If your Lordships look over the evidence, you will see a country that, even in the time of Suja-ud-Dowla, is represented as populous—desolated. A person looking at this

* Printed in the "Minutes of the Evidence," p. 657.

† Printed in the "Appendix to the Second Article of Charge," p. 243.

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by the rapacity of the English Governor.

shocking picture of calamity would have been inclined to ask, if he had been a stranger to what had passed in India—if we could suppose a person to have come suddenly into the country, unacquainted with any circumstances that had passed since the days of Suja-ud-Dowla—he would naturally ask, "What cruel hand has wrought this wide desolation? What barbarian foe has invaded the country, has desolated its fields, depopulated its villages?" He would ask, "What disputed succession, what civil rage, what mad frenzy of the inhabitants, has induced them to act in hostility to the beneficent works of God and the beauteous works of man?" He would ask, "What religious zeal or frenzy has added to the mad despair and horrors of war? The ruin is unlike anything that appears recorded in any age. It looks like neither the barbarities of men nor the judgment of vindictive Heaven. There is a waste of desolation, as if caused by fell destroyers never meaning to return, and who make but a short period of their rapacity. It looks as if some fabled monster had made its passage through the country, whose pestiferous breath had blasted more than its voracious appetite could devour."

If there had been any men in the country who had not their heart and soul so subdued by fear as to refuse to speak the truth at all upon such a subject, they would have told him there had been no war since the time of Suja-ud-Dowla—tyrant indeed as he was, but then deeply regretted by his subjects;—that no hostile blow of any enemy had been struck in that land; that there had been no disputed succession, no civil war, no religious frenzy; but that these were the tokens of British friendship, the marks of the embraces of British alliance—more dreadful than the blows of the bitterest enemy. That they had made a Prince a slave, to make himself the principal in the extortion upon his subjects. They would tell him that their rapacity increased in proportion as the means of supplying their avarice diminished. They made the Sovereign pay as if they had a right to an increased price, because the labour of extortion and plunder increased. They would tell him it was to these causes these calamities were owing. Need I refer your Lordships to this strong testimony of Major Naylor, when he rescued Colonel Hannay from their hands, when you see that this people, born to submission, bred to most abject subjection, yet that they, in whose meek hearts injury had never yet begot resentment nor even despair bred courage—that their hatred,

their abhorrence of Colonel Hannay was such that they clung round him by thousands and thousands; that when Major Naylor rescued him they refused life from the hand that could rescue Hannay; that they nourished this desperate consolation that by their death they should at least thin the number of wretches that should suffer by his devastation and extortion? He says, when he crossed the river he found the poor wretches quivering upon the parched banks of the polluted river, encouraging their blood to flow—encouraging the thought that their blood would not sink into the earth, but rise to the common God of humanity, and cry aloud for vengeance on their cursed destroyers. 6 JUNE 1788.

This warm description, which is no declamation of mine, but founded in actual fact, is a fair, clear, proof before your Lordships. I say it speaks powerfully what the cause of these oppressions was, and the justness of those feelings that were occasioned by them. And then I am asked to prove why these people arose in such concert! 'There must have been machinations, and the Begums' machinations, to produce this; there was concert. Why did they rise?' Because they were people in human shape: the poor souls had human feelings. Because patience under the detested tyranny of man is rebellion to the sovereignty of God. Because allegiance to that Power that gives us the forms of men commands us to maintain the rights of men. And never yet was this truth dismissed from the human heart—never, in any time, in any age—never, in any clime where rude man ever had any social feeling, or where corrupt refinement had subdued all feeling—never was this one unextinguishable truth destroyed from the heart of man, placed in the core and centre of it by its Maker, that man was not made the property of man; that human power is a trust for human benefit; and that, when it is abused, revenge is justice, if not the duty of the injured. These, my Lords, were the causes why these people rose.

Mr. Hastings' explanation of the distresses in Oude.

But, believe Mr. Hastings' account, and no one of these causes produced this effect; no one cause could produce its natural inevitable consequence. Breach of faith did not create distrust; want of pay did not create mutiny. Famine did not pinch. Drought did not parch. No; it was the machinations of these wonderful women, who sat as it were dealing in incantations within the sacred wall of their zanana, and disturbing the country which would otherwise remain in

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peace and gratitude to its protectors. No ; it is an audacious falsity.

I call upon Mr. Hastings himself to sum up my evidence upon this subject. I appeal again to his testimony. When he states that the rapacity, the peculation, the fraud, of those British persons in India had excited the rage of the whole country, he sums up, he clinches, my evidence ; and then, with bold, frontless, mockery, attempts to turn to your Lordships, and to account for this by fictitious causes—by causes too inadequate ever since corruption composed a part of the wickedness, or credulity a part of the weakness, of human nature.

Proof of the Begums' innocence not necessarily an assertion of Mr. Hastings' guilt.

My Lords, wishing to put everything I say to the test of the evidence before your Lordships, I feel no presumption in saying that I think I have proved the innocence of the Begums respecting these three accusations: and now your Lordships will judge whether I pursue the argument fairly, when I say that I am ready to admit to the Counsel that, because I have cleared them, I do not mean to say that I have condemned Mr. Hastings. I do not mean to say that a proof of their innocence is necessarily a proof of his guilt.

Plea of his having been falsely persuaded of their guilt.

I will admit that, because it is possible that, being rash and involved in various difficulties at the time, a person might have been imposed upon with respect to the grounds upon which he acted, and, though no real guilt did then exist in the Begums' conduct, yet that he might in his conscience have been persuaded that there did. But, in order to prove this, it must first appear that, from the moment he cherished and had that persuasion in his mind, it continued in force in his breast till the moment when he carried his vindictive measures against them into execution. If he took up a hasty prejudice, which he afterwards had the means to see the error of and to dismiss from his mind—if after that he persevered with criminal obstinacy in the persecution of these women, then I say he is guilty.

But I will show your Lordships that he never could have been deceived for a single moment upon the subject; that no man better knew than he—indeed no man had better reason to know—the true source and origin of these rumours and accusations; because he himself was the source and origin of them. In order to see whether Mr. Hastings believed these accusations, we must look a little into his conduct at the time that this belief must have come into his mind.

What were the communications he made upon it? and what were his accounts of the whole transaction afterwards? If we here find one uniform, consistent, story, although we know it to have been taken up and founded upon a false base, yet still there is a presumption—a possibility at least—of his being innocent. But if we find nothing but suppression of letters, nothing but equivocation, prevarication, direct falsehoods, concealment and false reasons for that concealment, and at last false and contradictory accounts to every person to whom he relates the transactions of the whole, in such a case there cannot be innocence—it is impossible. 6 June 1788.

The first circumstance that must strike your Lordships with astonishment is, that, signing this treaty upon the 19th of September, and having then, as he states in his last Defence, the whole of the information he ever had upon this subject—though he contradicts that in the House of Commons; for there he says:—

"The conduct of the Begums, though strongly suspected, was not sufficiently ascertained to justify the depriving them of jaghires held under the pledge of the Company without an equivalent; and accordingly a full compensation was stipulated. Their conduct, in openly and most violently opposing by armed force the Nabob's orders for the resumption of the jaghires, though they were not to be losers by it; their exciting their agents and other jaghirdars to unite in forceable resistance; and, lastly, the subsequent information which was obtained of their supporting the rebellion of Cheyt Sing"—

I shall have another opportunity of stating the several contradictions in one point of view before your Lordships. But I say, if he had a strong suspicion on the 19th of September, that suspicion increasing by subsequent information until the 14th of November, when he sent Sir Elijah Impey to Lucknow, whether it was increasing suspicion, or whether solid, just, information, and as complete as it was afterwards—whatever it was, let us see what information he gave to those to whom he was bound to communicate everything, and to whom he must have communicated and would have communicated everything that was not only a slight suspicion but much more—everything that was anything like a strong suspicion in his own mind.

His omission to notice his suspicions of the Begums to the Council.

The circumstance, your Lordships will hear with surprise, is this—that, whatever he knew on the subject, and at whatever time he got his knowledge, whether at the end of September, the beginning of October, or the beginning of November, when he told Sir Elijah Impey that there had

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been an actual rebellion, he never writes one single word to the Council of it until he has completed the whole—until, in the same breath, he can tell them that he has got the plunder: never, till the beginning of January, does he once inform the Council upon this subject. It is possible that there may be good reasons for this. I will show your Lordships shortly whether there be or no. He states three reasons, which are these:—First, that he had not leisure. He states that he found sufficiency for the occupation of each day in the evil thereof. He says he shall go from Benares to Chunar (from whence he writes) in order to have leisure. The first reason, therefore, is his want of leisure, from the 19th of September to the end of December or the beginning of January, to inform the Council of this great rebellion, which had for its object the dethroning the Nawab, their ally, and the extirpation of the English out of Asia.

Excuse of want of leisure.

His next reason is—he writes and signs it himself, and I beg your Lordships to attend to it—on the 11th of February, 1782, he writes to the Directors, sending them his Narrative; from this paper he says it will appear—

Excuse of interruption of communications between Fyzabad and Benares.

"that the treachery and intrigues of Cheyt Sing, supported by the disaffection and restless disposition of the Bow Begum, mother of the Nabob of Oude, at Fyzabad, produced insurrections in that country which till lately we were unapprised of, on account of the communication between that place and Benares being wholly cut off."

That is the second reason—the communication between Oude, Lucknow, and Benares, where Mr. Hastings was, being cut off—where all that quantity of correspondence with which we teased and wore out almost your Lordships' patience, was passing regularly by dawk every day, upon a road as plain and uninterrupted, as Sir Elijah Impey said, as from hence to Brentford. That road Sir Elijah Impey went, without going for pleasure by Fyzabad. He never informed the Board that that communication was cut off.

His third reason is as good a one. He says:—

Excuse of Mr. Middleton having carried away the papers relating to the subject.

"I have alluded to the general reasons which have prevented me from transmitting the reports of my proceedings to the Board with punctuality. I am obliged to add a special cause for the present instance, which is—that the Resident having carried with him all the authentic papers relating to this business to Lucknow, I have since waited both for them and for the preceding estimates, which are yet incomplete, though sufficient for general elucidation."

This is his letter, which he dates the 29th of November, but which date is a forgery: that is a very strong circumstance—a letter inserted in his Narrative with a forged date—but take it to be the 29th of November. The Resident, thoughtless, giddy, Middleton, carried off the letters and the treaty of Chunar, and therefore Mr. Hastings could not communicate it to the Council. 6 June 1788.

Now, will the Counsel join issue with me upon any of those three points? I want to point out the *punctus criminis.* I will meet them upon any point. I will admit he was imposed upon. I will not admit the monstrous, abominable, falsehood that there was any guilt in the Begums, but I will admit that their reports and that the weakness of Mr. Hastings' nature were imposed upon by this, if they will meet me upon either of these three points.

Disproof of his want of leisure.

With regard to the first—his want of leisure. We placed an extraordinary mass of evidence upon your Lordships' minutes on this point; for we have read—and the Counsel insisted upon our reading them at length, I recollect—we have read all the correspondence which he had with the Council. The Counsel said to be sure he had leisure to write; but it will not appear very extraordinary, perhaps, when your Lordships come to hear this letter, that Mr. Hastings never should have mentioned the rebellion or anything relating to Oude or Lucknow. We were a little reluctant—with a view of saving your Lordships' time—to give our consent to reading that correspondence; but an observation came, from what I believe I may state to be the highest authority in the House—an observation given in the spirit of every observation which has come from that high authority—made with a view to obtain the fullest evidence upon the record. It was suggested by the noble Lord that these papers should be read at length and printed, because it would appear that he had made communications, and that of such a nature that it would be extraordinary that he should not mention and advert to this circumstance of the rebellion of the Begums. I am thankful for that. He first pledges himself to Mr. Wheler that he will write everything of importance—that he will omit nothing. In this Narrative he begins his appeal, and says:—

"May the God of Truth so judge me as my own conscience shall acquit or condemn me of intentional deception."

6 JUNE 1788. And then he conceals every one of the circumstances respecting the supposed disaffection of the Begum; respecting the terms of the treaty of Chunar; the Nawab's bribe. He suppresses every one of these transactions, after his promise in the name of the God of Truth, and his promise to Mr. Wheler, that he would conceal none of these circumstances. Want of leisure!—why the letters are voluminous. We have placed upon the minutes none of the public correspondence, but only in the secret department to Mr. Wheler; and there he not only talks of Oude and the Nawab, but there are circumstances which make it impossible, if such circumstances could be set up, that this treaty of Chunar and the rebellion of the Begum could be out of his head. He tells little stories—little pretty anecdotes of sepoys; attachment to their cannon, and dressing them up with flowers; he is quite garrulous and prattling. So far from wanting leisure to make communications—so far the fact does appear. And here, in my never failing evidence again, I find him saying to Mr. Middleton:—

> "If you flinch I will come myself and do it. Give me an answer, and don't keep me longer in fruitless inaction."

So, while he was in fruitless inaction, and his employment was nothing but to spin anecdotes and make tales for the amusement of the Board, then it is he tells you he had not time to communicate a rebellion, the most alarming and unnatural that ever was heard of perhaps! So much for want of leisure.

Disproof of the interruption of communication.

Then with respect to the communication being cut off, I believe I need not go into argument upon that subject; but that they will admit, with Sir Elijah Impey, that some communication was going on between Benares and Lucknow. But if it should be doubted, we have placed a long list of letters, going regularly between Mr. Middleton and him by dawk and answered by post; and the whole tenour of the evidence shows that, at least after the return of the Nawab, whatever it was before—on the 22nd or the 23d of September—the communication was perfect; he writing and receiving answers, private and public, day by day, from Mr. Middleton, and Sir Elijah Impey going to harden the heart and the mild nature, as they call it, of Mr. Middleton, without the least interruption. I need not trouble myself upon that subject. I do believe they will admit that the

communication was not wholly cut off, and that that was not the reason why Mr. Hastings made no communication respecting these transactions to Mr. Wheler. 6 June 1788.

My Lords, I come now to the third reason; that is, that this thoughtless fellow Middleton carried off all the original papers with him. On the 19th of September Mr. Middleton says the treaty was signed. He says he went next morning, and he packs up and takes with him both parts of the treaty. First he said the Nawab's part as well as his own, but he afterwards corrects it, and says he took only his own part. A noble and learned Lord asked him a question the other day which has made an impression unnecessary for me to repeat. We find a letter of Mr. Hastings on the 23d of September to Mr. Middleton, in his instructions, where he says:—

Of the alleged withdrawal of the papers by Mr. Middleton. Treaty of Chunar signed on the 19th of September.

"Having entered into certain engagements with the Nabob Vizier, tending to relieve his finances of a burthen they were no longer able to sustain, with sundry other clauses, the execution of which is intrusted to you, I herewith inclose an authentic copy of the same for your guidance."

Copy communicated by him to Mr. Middleton on the 23d.

So this treaty of Chunar, which he could not inform the Council of because Mr. Middleton had packed up and carried off the treaty on the 19th, you find him on the 23d enclosing and sending to Mr. Middleton an authentic copy of—that treaty which Mr. Middleton had not, and which he himself had!

I don't care whether it is true or not that Mr. Middleton did carry off the original treaty, and that Mr. Hastings wrote him an authentic copy—from memory I suppose. Unluckily I find that will not avail Mr. Hastings; because I find that Mr. Middleton, though he does not send down this original treaty—which I believe no man ever yet saw—writes on the 12th of October that he cannot trust the original treaty by common dawk: in the mean time, he says, an authentic copy will answer your purpose. "These papers I have put under a sealed cover,"—observe now, my Lords!—"that you may not have them opened and entered before you wish them to become public." So here was Mr. Middleton in the secret of the purpose for which Mr. Hastings pretended not to have any copy of the treaty; and, supposing he had not a copy, he writes a letter enclosing an authentic copy of this treaty, which he puts under a sealed cover, in order that, if Mr. Hastings so pleased—perhaps after his return to Calcutta—he might break the seal, and say, "I have just

Enclosure of a copy of the treaty by Mr. Middleton to Mr. Hastings, in a sealed cover, for the purpose of concealing it.

6 JUNE 1788. now got a copy of the treaty from Mr. Middleton"—and that he sends him upon the 12th of October [1781].

Letter of Mr. Middleton.

"My dear Sir,—Enclosed I take the liberty of transmitting copies of the several papers [you signed previous to my departure from Chunar. The original agreement between you and the Nabob I am afraid to trust to the present uncertainty of the dauks; it shall, however, be forwarded the moment you desire it, and an authentic copy may in the meantime answer your immediate purpose. These papers I have put under a sealed cover, that you may not have them opened and entered before you wish them to become public]."*

Answer to the objection that Mr. Hastings might not have received the copy of the treaty.

So writes Mr. Middleton. But here perhaps some evasion will be attempted. Mr. Middleton in this letter says he sent the copy of the treaty; but *non constat* that Mr. Hastings received it. That won't do; because here we come to our friend Sir Elijah Impey, who says that upon the 14th of November Mr. Hastings gave him a copy of the Chunar treaty. So here is proof, not only that Mr. Middleton so sent it sealed, but that Mr. Hastings broke that seal, because he gave a copy of it to Sir Elijah Impey upon the 14th of November.

Evidence of Sir Elijah Impey that he received a copy of the treaty from Mr. Hastings.

Your Lordships will, I am sure, recollect Sir Elijah Impey's evidence, by the circumstance of his not having heard of the guarantee—that when Mr. Hastings consulted him he never told him of the circumstance of having a guarantee; for Sir Elijah Impey positively swears Mr. Hastings never mentioned the guarantee. We then asked him whether he had not a copy of the Chunar treaty? He says, "Yes: Mr. Hastings gave me a copy." He says he read that copy, and I admit that the Begums are not mentioned in that; but it says that those who are guaranteed by the British Company shall be secured. He says he never gathered from reading that treaty that the Begums had any guarantee. Whether he thought that the elephant Mr. Middleton mentions had a jagir — had a guarantee —I can't say; but he admits he received this copy of it upon the 14th from Mr. Hastings.

Letter of Mr. Middleton of the 22d of November, pretending to forward the treaty for the first time.

But, to carry on this fraud, we find Mr. Middleton upon the 22d of November, still conceiving Mr. Hastings had not acknowledged the receipt of the copy, conceiving perhaps that that letter would be suppressed, he writes—"In obedience to your commands I shall forward to you by the first safe opportunity your agreement with the Nabob Vizier, together with such other authentic papers as are connected with it."

* Printed in the "Appendix to the Minutes of Evidence," Article II., p. 75.

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Your Lordships recollect Mr. Hastings avers that, when Colonel Hannay joined him at Chunar, he sent this original agreement by Colonel Hannay; and then we have a letter from Mr. Auriol crying out for the original treaty, two months after Mr. Hastings got back: so that the juggle in this business is the most monstrous that was ever entered into. But the real fact is this,—that this third pretence, that he waited for the copy before he could inform the Council of it, is clearly proved to be as false as the other two pretences.

Forged date, in the Narrative, to a letter of Mr. Middleton's of information against the Begums.

There is a letter in the Narrative from Mr. Middleton, dated in the Narrative the 17th of September, in which he gives an account of all he had learned against these Begums and their supposed misconduct, and all those celebrated extracts from the letters of Colonel Hannay, &c. If you cast your eyes but carelessly upon this, you see a very good reason why he should have signed the treaty of Chunar, by which he committed a high crime and misdemeanor, unless he had strong proof against them, and not mere suspicion. This date is so palpable a forgery that I think it almost unworthy to take notice of it; and it seemed generally admitted that it ought to have been the 17th of October. But I see so many coarse frauds of this sort that I don't know that it was not meant to be passed as for the 17th of September, and the more so because one of the Counsel argued for its being so some time, till it was found that it was impossible.

But this letter, it is manifest, could not have been written by Mr. Middleton upon the 17th of September; because Mr. Middleton quotes these as extracts from Colonel Hannay, and he tells your Lordships in his evidence that he found these letters principally upon his return afterwards to Lucknow. Now your Lordships will find that these letters of Colonel Hannay were all addressed to Mr. Middleton, and must have been sent—they are so stated, and so appear certainly—while he was with Mr. Hastings and the Nawab at Chunar; for he desires him to talk with Mr. Hastings upon this, and in one place he guards him against the Nawab who is with him. He says in one place—"you being with him at Chunar;" from whence it is manifest it was while he was with him at Chunar. But the most remarkable circumstance is, that Mr. Middleton returning to Lucknow upon the [20th?] of September, never having heard one syllable against the Begums to which they [he?] appeared to have lent

6 JUNE 1788. an ear for a single moment, finds this body of what they call complete proof of this most atrocious rebellion. Mr. Middleton suffers the information to lie in his bureau till the 17th of October, and then a fit seizes him to take extracts from the letters—not to send the letters themselves, but to take extracts, which he sends upon the 17th of October. I prove that he must have received these letters, if any such existed —which I think improbable—and that, if he thought the letters of consequence, he might have put them into Mr. Hastings' hand, and have said "See what a terrible plot is brewing at Fyzabad." Instead of that, he rumples them up, puts them in his pocket, carries them to Lucknow, and then writes extracts of this intelligence to Mr. Hastings!

The most extraordinary circumstance is, that Mr. Hastings behaves just in the same manner with Mr. Middleton. For he receives this alarming intelligence about the 21st of October. What does he do?—why he never takes the least notice of it till he meets with Sir Elijah Impey upon the 14th of November. Then, all of a sudden, it is—"Here is some horrid proof of rebellion. For God's sake, Sir Elijah Impey, fly to Lucknow. Get more proof of it. But, first of all, take some authority to punish them for these crimes."

The letter fabricated.

If I thought it was matter to dwell upon, I would show your Lordships that this letter, misdated the 17th of September, could not have been written even upon the 17th of October, but that it was a fabricated letter after the determination of Mr. Hastings—after the failure of Bidjey Ghur, and sending Sir Elijah Impey to Lucknow. That then they put these letters together, and gave it the shape of antecedent information, upon which Mr. Hastings had grounded the measure of first employing Sir Elijah Impey, and sending that order for this business.

Letter of Mr. Hastings with the forged date of the 29th of November.

The other curious circumstance in this transaction is, that here is a letter which contains the treaty and observations upon it, his motive, the conduct with the Wazir, the whole plot, the rebellion, his defence, his guess at objections, his answers to those objections, and all that pompous farago of professions of his own integrity, and all that mystery of cant, rhapsody and enigma, which characterises this performance. This is dated the 29th of November. Will the Counsel insist that this was written on the 29th of November, or sent to Calcutta at that period? We have examined Mr. Hudson to this at your Lordships' bar, and find it never appeared till it appeared as a part of the Narrative, which was not sent down

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till the 31st of December, and did not appear upon the consultations till January. Therefore, the whole account of this transaction was withheld from the Council wilfully, when every day he had motives to remind him of making the communication. Upon the 19th he signs the treaty; he writes to Mr. Wheler upon the 18th, and promises to communicate everything; he writes again the next day; he writes to the Council at Calcutta at the moment he was sending Sir Elijah Impey with the warrant for the destruction of these women. It is all silence—darkness—obscurity: not one word is mentioned of it. At last, when he thinks he can face the Council and the Directors, whose venal credulity he has been accustomed to impose upon, then comes at last the confession of the whole transaction in the lump. But then, being struck with the enormous, damning, proof of his guilt, his silence during the time of carrying on this foul conspiracy—he forges the date of the 29th of November; and, though there is not any pretence of miscarriage of the letter, or that it ever appeared, or any account, why it did not appear upon the minutes of the Council, he puts the date boldly the 29th of November, as if at that period he had informed the Council of the transaction. There are other circumstances of fraud, deceit, falsehood and forgery, in all his accounts of these transactions, which I should certainly enter into if I thought I had not said enough to convince your Lordships that there was a consciousness of guilt—that he was waiting to find a pretence before he dare own the date—that he was waiting for a justification, which his heart told him he had not, but which he was in hopes of receiving. If I am asked why Mr. Hastings withheld the intelligence, I shall say—"I am not bound to answer that; I am not to account for his actions." But I will take upon me to tell why he did withhold this transaction. He was in hopes, knowing the falsehood of his charge of rebellion, of inciting the insurrection of the jagirdars; he was in hopes that some serious, calamitous and bloody, reason might arise to justify his conduct against the Begums. I say it is clear and manifest that these were his hopes. He was in hopes of that which nearly did happen—that, when the Begums found that, in spite of the pledged faith, in spite of the guarantee, of the English, the Nawab was going to seize their jagirs, —he pretends he meant them no injury, stating they had no right to complain; because he says in one place that no injury was intended, though, in another place, he says

Reasons for Mr. Hastings' withholding the intelligence.

His hopes of an outbreak to justify his proceedings.

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he did intend every injury that followed,—no, but he was in hopes that the jagirdars would take the field; then there would arise something that might be called rebellion, and then he would be justified in the measure. This was his hope, and the reason why I say that is, that, when he comes to his last pinch, he takes up as having happened that excuse which he vainly hoped for and looked to. This is the fact; he writes to the Nawab; he represents the Nawab as marching on the 1st of January to Fyzabad, in consequence of his order in November to seize the treasures. He had never mentioned a word of seizing the treasures to any other person but the three people engaged in this foul conspiracy. He then gives this account of it, on the 11th of February, 1782, to the Directors:—

His account to the Directors of the seizure of the treasures, 11th of February, 1782.

"As the Resident at Lucknow had been made guarantee to an agreement formerly executed between the Nabob and the Begum, in which he had engaged, for a specific sum of money, to desist from all further claims upon her, it was necessary for him to acquire the sanction of this government to his intentions before he could carry them into execution, which the infidelity of the Begum gave but too much reason to grant. On the first attempt made by the Nabob to carry this plan into execution of seizing the treasures in January, she determined to resist his authority, and raised a revolt by means of her eunuchs Jewar Ali Khan and Behar Ali Khan, who had collected a force of about five thousand men in order to set the Nabob at defiance."

This is Mr. Hastings' account of the transaction of the insurrection, and of the 5,000 men at Fyzabad in January, though no injury was intended to the Begums.

"Notice of this second insurrection"—

He had mentioned Cheyt Sing's before, and now your Lordships hear, for the first time, of a second insurrection, which is the insurrection of the 5th of January at Fyzabad; these 5,000 men, headed by these two eunuchs,—

"Notice of this second insurrection having been transmitted by the Resident without loss of time to the Governor General at Benares, he immediately ordered a large detachment to march from Cawnpore, and the Nabob resolved to go in person to Fyzabad. On his arrival there, by the assistance of our troops, he took possession of the kella, and the eunuchs, seeing it would be in vain to make a stand when superior forces were expected, surrendered themselves prisoners to the Nabob, and their followers dispersed."

This, I think, was on the 7th of January, 1782. Now mind, my Lords,—in order to punish the Begum for this daring ill conduct, and to put it out of her power to apply the treasures which she had amassed to the purpose of

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raising further commotions in the country, the Nawab resolved to seize her wealth, which, by the Mohammedan laws, he was intitled to as an inheritance from his father, who, in the latter years of his life, had committed his treasury wholly to her charge.

He defers writing under expectation of the insurrection taking place.

Here, then, there is no previous rebellion, no previous disaffection; but, as I said before, he was waiting, in hopes that that which was near happening would have happened there; in hopes that there would have been some war, some battle; he fondly wishing for some slaughter and bloodshed between the mother's troops and the son's. He was disappointed, as in the case of Cheyt Sing. Their patience was as enduring as his oppression. He says, "I will write as if the thing did happen; I will call this a second insurrection, and upon that I will found a resolution to seize the treasures in January," which he had sent an order by Sir Elijah Impey in November peremptorily to seize. Then, my Lords, am I not justified in saying this must have been the thing he looked to? Here you find that the Nawab, when he is resolved to punish this supposed resistance of the jagirdars, says he does it under the Mohammedan law. Here is the angry spirit of Mohammed again, never to be appeased till, by the piety and good faith of that country, the inalienable hoard of the mother is lodged in the treasury of the son. Then, I say, it does stand clear and manifest, that he did not dare to send to Calcutta the monstrous, audacious, falsity of the supposed rebellion of the Begums; that, while he kept plotting in the dark with Sir Elijah Impey, Colonel Hannay and Hyder Beg, it stuck in their own bosoms. He said, "when we come to march against the jagirdars the Begums will look to us for protection; they will fondly hope we shall march to their rescue; they will assist the Nawab's army. When they have done that, then I have a pretence; then I have my rebellion secure; then I confiscate the treasures; then I shall be justified." This is proved, becauses when disappointed of these, he names the falsehood, and he does the thing without it.

His assertion of the general belief that he was directed by Providence.

Why Mr. Hastings should have had this hope, and why he should have reckoned this calamity of war and bloodshed as certain, would seem strange in the mind of many people who do not recollect the account he gives himself in the House of Commons. He says there,—"I believe that all persuasions of men were impressed with a superstitious belief that a fortunate influence directed all my actions to

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their destined ends." This is the blasphemy of his heart. He speaks of Providence as guarding him when he is engaged in corruption and peculation. He would have you believe Providence inspired Nundcomar to commit a forgery—that Providence put it into the head of a Prince to do a base act —when he wanted to show the world that he was never to be offended in the smallest article with impunity. Then Providence put it into the head of Cheyt Sing to refuse contumaciously a small sum as a tribute while he was giving him four times the sum, by way of atonement, when he wanted a large plunder from the Begum, without which, as he states, he could not return to Calcutta; without which his character was irretrievably gone; without which he would be made accountable for all the misconduct in India, owing to him alone. Providence put it into the head of these women to raise an unnatural rebellion against their son, and to endeavour to exterminate their benefactors, the English. This is the way he accounts for his conduct. Providence works by crimes; not, as in this Christian country we are used to attribute to Providence the inspiring noble generous deeds; no, it works in him by heaven-born crimes, inspired felonies and providential treasons: and this gave him that confidence to hope for a war and massacre to have arisen for his justification: but at last he is disappointed in it. I think I may say, if there is any agency that protects and guides his actions to any destined end, it is not the agency of that Power whose works are goodness and whose ways are righteous.

Now I think I have made out my second proposition—that Mr. Hastings was not deceived and deluded in this transaction; but that he was the deceiver, the deluder of every person concerned—of the Nawab, his friend and his ally—of Middleton, his wretched tool, and instrument—of his equals, the Council—and of his masters, the Directors. I am perfectly convinced that there is one idea that must arise in your Lordships' mind as a matter of wonder—how a person of Mr. Hastings' reputed abilities can furnish such matter against himself. For, to be sure, it must be admitted that there never was a person who seems to go so rashly to work, with such an arrogant appearance of contempt of all conclusions from what he advances upon the subject. When he seems most earnest and laborious to defend himself it seems as if he had but one idea uppermost in his mind —a determination not to care what he says, provided he keeps

Reflection on the evidence furnished by Mr. Hastings against himself.

clear of fact: provided he keeps clear of that, nothing can hurt him. He knows that truth must convict him, and he concludes *e converso* that falsehood will acquit him; forgetting that there must be some connexion—some system—some co-operation, otherwise a host of falsities fall, without an enemy, self-discomfited and destroyed. But he really seems never to have had any apprehension of this. He falls to work, an artificer of fraud against all rules of architecture. He lays his ornamental work first, and his massy foundation at the top of it: thus his whole building tumbles upon his head. Other people look well to their ground—choose their position—watch whether they are likely to be surprised there; but he, as if in the ostentation of his heart, builds upon a precipice and encamps upon a mire in choice. He seems to have no one actuating principle, but a steady persevering principle not to speak the truth or to tell the fact. 6 June 1788.

It is impossible almost to treat conduct of this kind with perfect seriousness; yet I am aware that it ought to be more seriously accounted for; because I am sure it has been a sort of deduction which must have struck your Lordships, how any person, having so many motives to conceal, having so many reasons to dread detection, should go to work so clumsily upon the subject. And I think it is possible that it may raise this doubt—whether such person is of sound mind enough to be a proper object of punishment; or at least a kind of confused notion that that guilt cannot be of such a deep and black grain over which such a thin veil was thrown and so little trouble taken to avoid detection. I own that, to account for this seeming paradox, historians, poets, and even philosophers—at least of ancient times—have adopted the superstitious solution of the vulgar, and said that the Gods deprive men of reason whom they devote to destruction or to punishment; but to unassuming or unprejudiced reason there is no need to resort to any supposed supernatural interference; for it will be found in the eternal rules that formed the mind of man, and gave a quality and nature to every passion that inhabits it.

Answer to Mr. Burke's sentiment that prudence never can be used in the service of vice.

An honourable friend of mine, who is now, I believe, near me, in opening this business—a gentleman to whom I never can on any occasion refer without feelings of respect, and on this subject without feelings of the most grateful homage—a gentleman whose abilities upon this occasion, as upon some former ones, happily for the glory of the age in which

6 June 1788. we live, are not entrusted merely to the perishable eloquence of the day, but will live to be the admiration of that hour when all of us are mute and most of us forgotten—that honourable gentleman has told you that prudence, the first of virtues, never can be used in the cause of vice. If, reluctant and diffident, I might take the liberty, I should express a doubt whether experience, observation or history, will warrant us in fully assenting to that. It is a noble and lovely sentiment, my Lords,—worthy the mind of him who uttered it—worthy that proud disdain—that generous scorn of the means and instruments of vice—which virtue and genius must feel. But I should doubt whether we can read the history of a Philip of Macedon, of Cæsar or of Cromwell, if we apprehend prudence to be discreetly and successfully conducting some purpose to its end, without confessing that there have been evil purposes, baneful to the peace and to the rights of men, conducted, if I may not say with prudence or with wisdom, yet with awful craft and most successful and commanding subtlety. But, if I might make a distinction, I should say that it is the proud attempt to mix a variety of lordly crimes that unsettles the prudence of the mind and breeds the distraction of the brain; that one master passion domineering in the breast may win the faculties of the understanding to advance its purpose, and to direct to that object everything that thought or human knowledge can effect. But, to succeed, it must maintain a solitary despotism in the mind: each rival profligacy must stand aloof or wait in abject vassalage upon its throne. For the Power that has not forbad the entrance of evil passions into man's mind has at least forbad their union: if they meet they defeat their object—their conquest or their attempt—as it is tumult. Turn to the virtues. How different the decree! Formed to connect—to blend—to associate and to co-operate; bearing the same course of kindred energies and harmonious sympathy; each perfect in its own lovely sphere; each moving in its wider or more contracted orbit with different but concentrating powers, guided by the same influence of reason, endeavouring at the same blessed end—the happiness of the individual, the harmony of the species and the glory of the Creator. But in the vices it is the discord that ensures defeat; each clamours to be heard in its own barbarous language; each claims the exclusive cunning of the brain; each thwarts and reproaches the other, and, even while their fell rage assails with common hate the peace

and virtue of the world, the civil war among their own tumultuous legions defeats the purpose of the foul conspiracy.* These are the furies of the mind, my Lords, that unsettle the understanding; these are the furies of the mind that destroy the virtue prudence; while the distracted brain and shivered intellect proclaim the tumult that is within, and bear their testimonies from the mouth of God himself to the foul condition of the heart. 6 June 1788.

My Lords, I thought it necessary to say this gravely and seriously to your Lordships, because I do protest I never have followed the transactions of this gentleman without feeling the astonishment and surprise which I am sure every person has shared in that has taken the same pains in tracing his conduct as I have done, and [without its] leading me to a disposition to endeavour to account for it.

Assertion that the proposal to seize the treasures came from the Nawab.

My Lords, the next period in this transaction, and the next important stand which the Counsel, if I may judge by their conduct, appear to wish to make upon this occasion, is upon this point, namely, whether the proposition to seize the treasures came from the Nawab or from Mr. Hastings. Now, my Lords, I protest that it was to my surprise and astonishment—which indeed often possesses me at the sort of ground that I see taken upon this defence by gentlemen of the character and judgment which I presume the Counsel possess—that an attempt was made to labour this point so much; because if there was the least difficulty in proving the contrary I would give it them up—that the proposition did come from the Nawab; and what would they attain when they have got that?

Your Lordships will recollect what the situation of the Nawab was. You will see it in evidence before you that he proposed it as an alternative; that he was pressed to resume the jagirs, the landed estates of all his favourites, of all the persons whom he respected; that, when he did propose it, he said, "Spare me, my friend, this shame, and I will do it at one stroke"—supposing he ever made that proposition—"I will do at one stroke, by seizing the treasures, that which the others will be years in effecting." What advantages would they gain if I was to admit that, under these circumstances, he did make this proposition? If I admit that, being pressed on one hand meanly and basely to resume what bounty had bestowed on friendship or reward on merit, to dishonour

* Here a Latin quotation was introduced, but the reporter failed to note it.

6 June 1788. himself with his own servants, friends and relations—that, urged with this threat on one side, and having placed before his eyes the monstrous bribe held by Mr. Hastings, that he should never more behold the face of an Englishman again, which includes in one word peace to his own heart and quiet to his country—if, urged by this bribe and pressed on the other hand, I should grant that he did propose it, what then? Was the guarantee on the other side to have no consideration? I take up this proposition, your Lordships see, upon the ground of its being a matter of resumption, in which light alone the Nawab ever mentions the subject, and not as a measure of confiscation and punishment. If they say it was a measure of confiscation, then I say that ten thousand times more the son's making the proposal was no justification to them, because then it would have been a vindictive act of justice; and surely, if there ever were crimes which might go unwhipped of justice, it should be where there was to be found no hand but the son's to strip the mother; that, if the Nawab had, with a barbarous officiousness, offered to have been the executioner to carry it into effect, that he should have withheld his hand. Granted that they had been in rebellion; granted that they had attempted to extirpate the English; granted that they had ceased to be our ally: nature was our ally. There is an eternal covenant imprinted in the breast of man that should have told them that the son who attempts to destroy his mother violates his existence, and breaks the covenant subsisting with mankind. Therefore that which they labour so much, if they could prove it, would be no extenuation—namely, that the proposition came first from the son, and not from Mr. Hastings.

Proof of the Nawab's absolute submission to Mr. Hastings.

But so far from this being the fact, when I refer your Lordships to a great mass of evidence on your minutes, you will perceive, before we come to the fact in dispute of seizing these treasures, strong, unanswerable, proof that the Nawab could not: he had not any will of his own in any act whatever. The history of his vassalage is traced before your Lordships. From its first commencement down to the time when it was confirmed and completed by Mr. Hastings, your Lordships will see specimens of abject submission. It is almost impossible for your Lordships to understand the degree of soul subjection—the hard vassalage—to which this poor wretch was subdued; because it is impossible almost for any Englishmen, used to the noble equality of this country, to conceive the abject vassalage of a despot,

and, on the other hand, the arrogant presumption of a free man preposterously elevated to despotic power. 6 JUNE 1788.

A few of Mr. Hastings' own acts are sufficient to select for the purpose. Where he states that the Nawab is a cipher in the hand of Hyder Beg, he says afterwards that this Hyder Beg,

"if he is content to hold his power upon such conditions as I prescribe, shall: I choose him rather than anybody else."

In another passage he says:—

"Our alliance," speaking of the Nawab, "has proved the extinction of his sovereignty and the dissolution of his country; and it is but just we should allow him a subsistence."

I take his own acknowledgment rather than the Nawab's, where abjectly he states that he has no will or power of his own.

One of the strongest marks of that subordination to which he is brought we have under the hand of Mr. Middleton. The Counsel want to possess your Lordships with the idea that he had a will of his own; that Mr. Middleton thwarted him in this, and he could not be got to assent to that. We have under Mr. Middleton's hand a proof of his being, not only without the will, but without any sense or feeling that he scarce dare call his own in his mind. One of the strongest proofs of this is to be found under that head of evidence which we have styled the subornation of letters. For your Lordships find, not only that the man had no will or power, or notion that he could have any power of his own, [but] that he dare not utter a sentiment of his own; that he waited for opinions to be sent to him as well as orders; he stated his readiness to submit to the authority and will of any gentleman Mr. Hastings should choose to depute. There is a curious proof of this fact, where Mr. Hastings was shifting about, and at last appointing Mr. Bristow. The Nawab, who had always conveyed letters by Hyder Beg's directions, at last finds a letter come from Mr. Hastings that looks as if he was going to recommend Mr. Bristow to him. The Nawab was puzzled; but he takes the short way to remove difficulty; he writes thus:—

"The arzie which you have sent is arrived. As to the commands of Mr. Hastings, which you write, on the subject of the distraction of the country and the want of information from me, and his wishes that, as Mr. John Bristow has shown sincere wishes and attachment to Mr. Hastings, I should write for him to send Mr. John Bristow—"

6 JUNE 1788. My Lords, this is to his own vakil or agent at Calcutta, who was the confidential communication between the Nawab and Mr. Hastings:—

"it would have been proper and necessary for you privately to have understood what were Mr. Hastings' real intentions; whether the choice of sending Mr. John Bristow was his own desire, or whether it was in compliance with Mr. Macpherson's; that I might then have written conformably thereto. Writings are now sent to you for both cases."

This is the Nawab that had a will of his own that was not to be thwarted. He gets confounded and puzzled:— "Sometimes you bid me write against Mr. Bristow. I have done that, black and white, as you choose. I now write one letter, that I like Mr. Bristow. Very well!—another, that I abhor him monstrously."

"Having privately understood the wishes of Mr. Hastings, deliver whichever of the writings he shall order you; for I study Mr. Hastings' satisfaction. Whoever is his friend is mine, and whoever is his enemy is mine; but in both these cases my wishes are the same—that having consented to the paper of questions which Major Davy carried with him, and having given me the authority of the country, whomever he may afterwards appoint I am satisfied. I now am brought to great distress by these gentlemen, who ruin me in case of consent. I am contented with Major Davy and Palmer. Hereafter, whatever may be Mr. Hastings' desire, it is best."

I should tire your Lordships' patience if I were to quote the many extracts that prove the monstrous boldness of the assertion of Mr. Hastings, that the Nawab was not a dependant and absolutely under the control of the British government. That is a point I am at issue with them upon. I say there is no one thing in which the will of Mr. Hastings could be signified to him, upon any subject, that he dare have the hope, or thought, or first seeds of anything like a will or intention of his own in, whatever.

My Lords, I feel myself so fatigued it will not be in my power to finish to-day.

CONTINUATION OF THE SPEECH OF RICHARD BRINSLEY SHERIDAN, ESQ., MANAGER FOR THE HOUSE OF COMMONS, IN SUMMING UP THE EVIDENCE ON THE SECOND ARTICLE OF CHARGE, RELATING TO THE BEGUMS OF OUDE; 10TH JUNE, 1788.

MY LORDS,—Relying upon the attention with which I have been honoured, I feel it wholly unnecessary to recapitulate the arguments with which I left off when I last had the honour of addressing your Lordships; I shall therefore, my Lords, without further preface, proceed to that part of the matter which the argument led to. I was then stating and proving to your Lordships the abject vassalage and submission in which the Nawab of Oude stood with respect to the British Government, and more particularly with regard to Mr. Hastings, the Governor General. I do take upon me to say that that matter was so clearly and so distinctly proved and laid before your Lordships, that I might stand upon that ground alone, and call upon the Counsel for the defendant, when there was such a mass of proof that he was in a situation not to have a will of any sort upon any subject whatever—that I should call upon them to prove that, in this great act which is now the subject of this accusation, he had a will of his own, and that it was from that will that he did act.

Abject submission of the Nawab to Mr. Hastings.

Your Lordships will find that, although it is pretended that the application for seizing the treasures as well as for resuming the jagirs of the Begums came from the Nawab, yet those letters do not appear. I therefore say it is incumbent upon them in some manner to make out that the Nawab did act from his own will, and that the proposition did in fact and in truth come from him. However, my Lords, I am sure you will be still more surprised to learn that, even if they could establish that the Nawab

In the particular act in question he was under compulsion.

10 JUNE 1788. was that independent prince and sovereign which they endeavour to represent him to have been, even if they could make out that he had uniformly and ever since his connexion with the British Government acted independently and from the suggestions of his own mind, yet it will appear that, in this particular act at least, he acted from compulsion, that he did not move one step in it from his own free will, but that there does appear the most perfect, plain and manifest, evidence that it was against his inclinations, and that the whole of these proceedings were in truth forced upon him.

Names of the persons engaged in the scheme for constraining the Nawab.

My Lords, before I proceed to the letters which we have styled the narrative part of these transactions, I should state to your Lordships the persons who are corresponding. We conceive this conspiracy to have been carried on by three principal and three subordinate conspirators. Of the three principal, first, undoubtedly the source and cause of all, Mr. Hastings; secondly, Mr. Middleton; and thirdly, Sir Elijah Impey. The three subordinate persons,—Colonel Hannay; Hyder Beg Khan, the Nawab's reputed minister, but, in fact, the minister and agent of Mr. Hastings; and Ali Ibrahim Khan, another black agent of his, resident with him at Benares.

Assertion of Sir Elijah Impey that he had no conversation respecting the affidavits with Mr. Hastings.

However, my Lords, before I refer to the correspondence of Sir Elijah Impey upon this subject, I think it right to notice to your Lordships a particular circumstance in his testimony which I before passed over; and it is with regret that I say that I am compelled to notice this in a more serious way than I have any other part of the evidence of that gentleman. Your Lordships will find it stated in Sir Elijah Impey's evidence, that, upon his return with the affidavits from Lucknow, he never had the smallest communication or any conversation whatever respecting the matter contained in these affidavits. Sir Elijah Impey is asked whether he did not think it an extraordinary circumstance that Mr. Hastings should not have discoursed with him upon that subject? He answers, "No; that he did not think it at all extraordinary;" and then he adds that he left Chunar within a day or two, but he thinks the next day. This Sir Elijah Impey swears to at your Lordships' bar, and by this he would have your Lordships understand that the extraordinary circumstance of his having no communication whatever upon the great object which Mr. Hastings had sent him to Lucknow upon—that that was

principally owing to his having parted with Mr. Hastings the day after his return. 10 JUNE 1788.

Proof of their having been together after the period mentioned by Sir Elijah Impey.

Now, my Lords, I find it clear, from looking into some of these letters and papers, that Sir Elijah Impey, it is true, did leave Chunar the day after he returned, but Mr. Hastings left Chunar with him. They returned together to Benares; and we find that they remained together six days afterwards, after the period when Sir Elijah Impey states, as a reason for not having any conversation with him, that he had in fact parted with him.

We find a letter of Sir Elijah Impey to Mr. Middleton, dated the 9th of December, then upon the road from Benares to Calcutta. He mentions in this letter that he had parted with Mr. Hastings upon "Thursday last." Now I took the trouble to make a minute sort of inquiry to see upon what day this last Thursday was. The 9th of December, 1781, was on a Sunday; the Thursday before of consequence was the 6th of December. Sir Elijah Impey we find returned upon the 1st of December, by a letter to Mr. Middleton of that date. We find him swearing and taking affidavits at Chunar upon the 2d of December, and here by his own account he parts from Mr. Hastings at Benares not till the 6th of December, and remaining with him the whole time, having no communication, no conversation, he swears, whatever with him upon the subject of his mission to Lucknow; and then, at your Lordships' bar, he states that he did not think it extraordinary, because he parted with Mr. Hastings the day after he arrived. I think it necessary to notice this to your Lordships.

Assertion of Sir Elijah Impey that he never examined the affidavits.

There is also another circumstance in Sir Elijah Impey's evidence respecting these affidavits which is extremely material. Sir Elijah Impey has stated that he never examined any part of these affidavits: he also asserts that, upon his return to Chunar, he delivered them without any further examination into the hands of Mr. Hastings. What became of them—how they were translated—who translated them—in what manner they were examined—Sir Elijah Impey swears he knows not. Now here is a very extraordinary circumstance in the Narrative, to which if your Lordships turn, you will find that these Persian affidavits which were taken at Lucknow, without being at all examined or read to the deponents by Sir Elijah Impey—the sanction of his testimony being in fact nothing but the purity of his touch in receiving them, they

The affidavits were translated by Captain Davy while in Sir Elijah Impey's company, and tra-

10 JUNE 1788. — velling to Calcutta.

not having even at that time received a glance from his eye—you will find that these affidavits are afterwards translated by Captain William Davy. But here is the extraordinary circumstance, that we find :—

> "Captain Davy, private Persian translator to the Honourable Warren Hastings, maketh oath and saith, that he understands the Persian language, and that the paper hereunto annexed is a true and faithful translate of the Persian version of the original Hindoo deposition, both hereunto annexed, to the best of this deponent's skill and belief.—WILLIAM DAVY."

Now here the translations are annexed to the Persian papers: they are shown to the person by whom the oath is taken, and he swears he translated them truly and justly. When was this oath taken? We find it was taken upon the 12th of December, before Sir Elijah Impey; and, to prove that can be no mistake of the date, it is repeated five several times in the Appendix to the Narrative; William Davy swearing to the truth of these affidavits, on that 12th of December, before Sir Elijah Impey.

Now, I want to know, where was Sir Elijah Impey upon this 12th of December? Will it be said he remained with Mr. Hastings at Benares? We have proved the contrary. We have in the first place his own testimony—not true as he states it—that he left Chunar the next day, but true that six days after he did in fact leave Mr. Hastings at Benares; for we have a letter of the 9th of December, dated Buxar, to Mr. Middleton, at which place he might have arrived, leaving Benares upon the 6th. We find him swearing an officer at Buxar upon the 9th, consequently he must have been upon his road to Calcutta on the 12th of December.

Now, the extraordinary circumstance is this—that it does plainly and manifestly appear, so far from Sir Elijah Impey never hearing or knowing anything of these affidavits till afterwards, it clearly appears that Captain Davy must have accompanied Sir Elijah Impey and must have been the partner of his journey; that these papers were translated while they were together; that he received his attestation of the truth of that translation while he was with him, upon that 12th of December.

This was a circumstance I confess that did not strike me before in looking at these affidavits; but I do think these are two most material facts respecting the evidence and respecting the testimony of Sir Elijah Impey; and I can-

not dismiss my observations upon that subject without repeating the words of a Manager at your Lordships' bar, in the last prosecution in this House for high crimes and misdemeanors, who says, "Where is truth to be found if not in the judgment seat, or what testimony can be credited if not the affirmation of a judge?"* I do contend, upon those two facts, that they are most suspicious circumstances; that they do wholly disprove, in the first place, what Sir Elijah Impey so positively affirmed as a reason to account for that extraordinary omission of communication with Mr. Hastings respecting the business he went on to Lucknow; that they disprove his assertions on that account; and that they do warrant a strong suspicion, if not an absolute proof, that his other assertion, that he never saw, was never concerned in, the translations, that he knew not how they were translated—that even that is literally untrue.

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Inference of untruthfulness in Sir Elijah Impey's evidence.

My Lords, before I quit the subjects of the affidavits, I must also observe upon another circumstance in them, which does not relate to any affidavit that appears, but to testimony which is suppressed. I must remind your Lordships, if I had anything to combat in these affidavits, if there was anything that could have left a moment's impression upon any person's mind that read them or made the slightest comment upon them, I should wish to observe that Mr. Scott, who was at Tanda at the time this attack is supposed to be made upon Captain Gordon—that it is in evidence before your Lordships, by Mr. Middleton's confession, that Mr. Scott never made the slightest complaint of any injury supposed to be received from this rebellious Shumshire Khan. He carried on his manufactory under the walls and under the guns of Shumshire Khan, and no application was ever made to him for his testimony, which must have been complete, perfect and decisive, upon that occasion.

Suppression of Mr. Scott's testimony.

The other remark I wish to make relates to a still more extraordinary circumstance—I mean the suppression of the testimony of Hoolas Roi,† of whom your Lordships have heard so much in the course of this business.

Suppression of the testimony of Hoolas Roi.

* The quotation is from the opening Speech of Sir G. Oxenden in the Impeachment of the Earl of Macclesfield, in 1725. See Howell's State Trials, Vol. xvi., Col. 802.

† See Sir Elijah Impey's statements respecting the affidavit of Hoolas Roi, in the "Minutes of the Evidence," pp. 650, 845.

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The Counsel, in part of their examination, seem to doubt the fact of Hoolas Roi having been examined. Your Lordships will recollect a letter from Mr. Middleton in which it is stated that Hoolas Roi was sent down to Benares in order to be examined. Here is a letter from Captain Davy to Nathaniel Middleton, Esquire, saying:—

"Sir,—I am directed by the Governor General to inform you that the bearer, Hoolas Roi, who attended here by your orders, has been examined as to the points on which he could give information, and has now received permission to return."

Then here is direct proof that Hoolas Roi did arrive at Benares; that he was examined upon the points to which he could give information: and now I demand from the Counsel why is that testimony suppressed? Where is the affidavit of Hoolas Roi; which must have been the most decisive, the most conclusive, evidence upon the whole of this business? He was a person entrusted by the British government: he resided at Fyzabad during the whole time of the troubles: he had the best opportunity to inform himself: he has the best claim to credit: he has been examined,—and yet that examination, while they are filling this volume with all the rumours they could give shape to—that examination is suppressed. Will it be said Hoolas Roi was a person well disposed to the Begums and to their ministers? We have proved to your Lordships he was hostile to both: we have proved his ill-usage of the servants of the ministers of the Begums. Will it be said he was not upon the spot at the time? We have proved he was, and that he was attentive to his duty; because we show, in Mr. Middleton's affidavit, that Hoolas Roi gave him intelligence of the arrival of a vakil from Cheyt Sing, although he could not learn what his commission was: that shows he was upon the spot and attentive to give intelligence of everything that occurred. Will it be said he was not in his confidence? We have placed a letter upon the evidence in which Mr. Middleton speaks of him as a person in whom he places implicit confidence, and desires the officer commanding at Fyzabad to consider him even as himself.

Therefore, under all these circumstances, when your Lordships see a person who had the best means of information, who would have known all the facts that were taken up in the other affidavits by hearsay, who would have known them of his own knowledge, who would have seen those najibs if any such were raised at Fyzabad,

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who would have seen the obstruction, if any such was given to Colonel Hannay, who would have heard any complaints of Captain Gordon, who would have heard any account that could be given of the ill-conduct of Shumshire Khan at Tanda, and who could have no motive to withhold it—you see this man is examined, and that material evidence is suppressed.

Narrative part of the correspondence between Mr. Hastings and his agents.

My Lords, having omitted at the time I spoke formerly relative to the affidavits these two circumstances, I shall now proceed to the narrative part of the correspondence, in which your Lordships will I am convinced see that, if nothing had been hitherto proved, the manner in which this plot is communicated and carried on would of itself be decisive evidence of the guilt of the persons employed in it.

Contradictory accounts by Mr. Hastings of the amount of his knowledge of the rebellion.

Before, however, I proceed to that, I would wish your Lordships to advert to the contradictory accounts which Mr. Hastings gives of his own degree of knowledge respecting the supposed rebellion and conspiracy, upon the day he signed the treaty of Chunar, the 19th of September. There is no one point upon which Mr. Hastings appears to have been so completely puzzled as with respect to the degree of information and knowledge he thought proper to have upon this 19th of September, 1781. Sometimes he wishes he had the whole account of all the ill-conduct of the Begums that he obtained afterwards; sometimes he even tries to insinuate that he had the very testimonies and affidavits which were taken by Sir Elijah Impey in November. In one place he actually does assert, in his Narrative, that he had knowledge upon the 15th of September of the attack and escape of Colonel Hannay, which happened upon the 8th of October afterwards. At other times, however, he varies from this; he finds that, if he knows of all this ill-conduct and acts of actual treason, it is difficult to account for his having stipulated for an equivalent to the Begums, and for not having sent any information upon the subject to the Council at Calcutta.

His indecision with respect to the guarantee.

The same indecision with respect to his own determination appears with regard to his having withdrawn the guarantee —whether he should consider it at the time as binding or otherwise. He says in one place that the treaty, as it is called, was no obstacle, for its obligation had already ceased with the breach of that which appertained on the part of the Begum. Here we learn that, upon the

10 JUNE 1788. 19th of September, the guarantee was totally out of the question; that the obligation of it had already ceased, on account of the treason and ill conduct of the Begums. In another place he says,—

"The two distinct acts of resuming the jaghires and seizing the treasures are confounded, and improperly made to originate from one and the same cause, viz., the defection of the Begums in the insurrection at Benares. At the time that the resumption of the jaghires was resolved on, the conduct of the Begums, though strongly suspected, was not sufficiently ascertained to justify the depriving them of jaghires held under the pledge of the Company, without an equivalent, and accordingly a full compensation was stipulated."

Here we find that the agreement was considered by him as in full force, and he had nothing but a suspicion, which did not justify any injury to the Begums; but on the contrary he was compelled to stipulate for a full equivalent. A little afterwards, in his second Defence before the House of Commons, he says:—"At this time"—speaking of this same 19th of September, 1781,—"in a word, I regarded the Nabob's engagement with the Begum and the Company's guarantee, if I regarded them at all, as become two insignificant shreds of waste paper." Here the guarantee is gone completely; he not only doubts whether he regarded it at all, but, if he did regard it at all, he only considered it as an insignificant shred of waste paper! In another place he asserts that no injury whatever was intended to them, and that they were expressly provided for, not at the discretion of the Nawab, but from the Company's treasury under the charge of the Resident. Having crossed backwards and forwards with these doubts in his two Defences before the House of Commons, when he comes before your Lordships he asserts positively in his Defence, now on the table,—

"And the said Warren Hastings avers that, at the time of executing the said treaty, he had sufficient reason to believe and did believe that the Begums had been guilty of such acts of public misconduct as reasonably and justly warranted the making of that treaty, so far as the same respected the said Begums."

Here he states the whole of his knowledge to have existed in his mind upon the 19th of September, and that he did know enough of their ill conduct at that time to justify his withdrawing wholly the Company's guarantee.

His contradictions in accounting for the seizure of

The same irresolution and confusion appears in his attempts to account for the proposition of seizing the treasures—to which we are coming—I mean, whether in

fact it was a proposition originating with the Nawab, or whether it was a proposition of his own. Speaking of the Begums, and of his having signed the treaty of the 19th of September at Chunar, he says:— 10 JUNE 1788. the treasures.

"But when I had proceeded so far, there I stopped. The rigour of the act had derived no part of its construction from resentment, at least not from mine. Enough had been done for the restoration of the Nawab's authority, and for the security of the peace of his country; enough had been done for an exhibition of example; and, if I could have regarded personal punishment as an object, enough of that end had also been accomplished in the anguish which might have been inferred from the disappointment of female vengeance and malignity."

Here he avows that, in signing that treaty, he thought he had done enough even to punish, in the anguish of female disappointment—to punish an act which before he states he was ignorant of, which he never meant to punish, and declares that not the smallest injury ever was intended to them. Speaking of the proposition of seizing the treasures, he says:—

"When the resumption of the treasurers was suggested, not as a new and accessary measure, but as an exchange for that which had been already determined, I acquiesced in it in the first sense and encouraged the prosecution of it, but would not allow of it as an exchange."

Here he states the proposition to have come from the Nawab for seizing the treasures, and in a most extraordinary phrase; he says:—To be sure it was proposed to me as an alternative, but I accepted it only in the first sense." That is, the Nawab said, "You wish to force me to resume the jagirs; I wish to be spared that act. I propose in lieu of it you shall seize the treasures." "I accept your proposition," says Mr. Hastings, in the first sense. "I seize the treasures in lieu of the jagirs. I couple that with your former promise, and determine you shall seize both." This he calls, when the alternative is proposed, accepting in the first sense.

Here the proposition however comes plainly from the Nawab. He afterwards recollects himself a little, and says:—

"Upon a reperusal of that part of my Defence to this charge which relates to the Begum's jaghire and the seizure of her treasures, and comparing it with papers before the House of Commons, which I had not then read, I find an inaccuracy, which I now wish to correct; I have observed that I was indebted to Mr. Middleton for the principal part of my reply to the fourth charge, and therefore what was written in it was upon the credit of his recollection, not my own."

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His admission of an inaccuracy in his first Defence.

Here a fit of candour seems to seize Mr. Hastings, and he wishes to set right what he calls an inaccuracy in his former Defence—that is, an inaccuracy five several times repeated—namely, that the proposition of seizing the treasures did actually come from the Nawab, and that he did nothing more than give an assent, and in some sense a reluctant assent. We have extracted it from Sir Elijah Impey, that in the interval he bore Mr. Hastings' pleasure to Mr. Middleton upon this subject. I wish your Lordships to bear this accurately in your memory:—

"The fact undoubtedly is, that, not only in consenting to the seizure of the treasures on the Nabob's first requisition to me, on the 2d of December, 1781,"—

here he states it in the beginning even of this sentence, as if it was originally a requisition still from the Nawab,—

"but in strenuously encouraging and supporting the measure, so far as to desire Sir Elijah Impey, on leaving Chunar in November, 1781, to mention the subject as from me to Mr. Middleton, for the express purpose of desiring him to converse upon it with the Nabob, and even to encourage the Nabob to make the proposition to me—"

Here we are getting a little right again; here he avows that the measure did not come from the Nawab, but he sent Sir Elijah Impey to Mr. Middleton, to suggest to Mr. Middleton that if he would suggest to the Nawab to suggest to him the seizing of the treasures he would assent to it. In the next sentence he says:—

"though the proposition was made to me on the 2nd of December, 1781, and I instantly assented to it upon the grounds above stated—"

Here again he puts the proposition upon the Nawab. In the same page he seems determined to support this second contradiction, and he asserts directly "the proposition for seizing of the treasures unquestionably came from the Nabob." In this same Defence, and in the same page, however, recollecting himself a little afterwards, he says:—

"Unless the proposition had come from the Nabob the measure could not have been carried into effect, and I don't wish to screen myself from responsibility by disavowing any part that I took in the business. I meant by my message to Mr. Middleton that the Nabob should be informed that the proposition coming from him would receive my concurrence."

Here again we come at the real fact, back again, running round the circle—that he did make the proposition in fact to the Nawab, and that he only waited for it to be

returned back to him, and then it should receive his concurrence. Through the whole of this your Lordships see the miserable effect of craft bewildered and of fraud entangled in her own snares. 10 JUNE 1788.

But he has also added here a new circumstance, which has been omitted in all his former Defences, and which does suggest to the mind even a new motive for his conduct with respect to these unfortunate Princesses. He says this in the second Defence to the House of Commons :—

His statement that the Begums were influenced by personal resentment towards him.

"It has occurred to me, as a question which might naturally arise out of the subject, why the Begums should have entertained so vehement a hatred as that by which I have described them to have been actuated against the English Government and nation? The answer is obvious to those who know the history of our connection with the Nabob of Oude. The Begums regarded us as the oppressors of their house and the usurpers of its inheritance: nor was their resentment confined to the English; the Nabob himself had his share in it, for the sacrifice which he had made of the province of Benares, against the united opposition of his family. And the Nabob Salas Jung, the brother of Bow Begum, avowed to me himself that he had from that time withheld himself from all concern in the Nabob's councils, and assigned that as the reason for it now." Mr. Hastings adds—"I am sorry that I must in truth add that a part of the resentment of the Begums was, as I had too much reason to suspect, directed to myself personally. The incidents which gave rise to it are too light to be mixed with the professed subject and occasion of this detail, and as they want the authenticity of recorded evidence I could lay no claim to credit in my relating of them."

This is a sudden modesty too in Mr. Hastings, who through the whole of his Defence states his own single assertion as adequate to perfect proof.

"At some period I may be induced to offer them to the world—my ultimate and unerring judges both of that and of every other trait in my political character."

Here he furnishes us with a new suggestion—with a new idea of the cause of his enmity and oppression of these women. We had before every motive of pride—of avarice —of habitual rapacity. The only ingredient that was wanting, as it were, to make this action completely black was the supposition of some personal malice and pique between them ; and that suggestion and the ground he has here furnished.

My Lords, we come now to those letters which engaged a considerable degree of your Lordships' attention at the time that they were first read ; because we blended with them a considerable degree of examination of some of the

Correspondence between Mr. Hastings, Mr. Middle-

10 JUNE 1788. ton, and Sir Elijah Impey.

writers of them. This correspondence, your Lordships will recollect, begins upon the 1st day of December, after Sir Elijah Impey had returned with the depositions and affidavits from Lucknow.

Their distrust of each other.

I should wish to apprise your Lordships here that, although a part of this correspondence consists of private and confidential letters between Mr. Middleton, Sir Elijah Impey and Mr. Hastings—letters which were never meant to meet the public view—yet your Lordships are not to expect in that correspondence a fair, perfect and unreserved, communication, even among these parties; that there is through the whole that sort of knavish half confidence which ever must be found among those who are concerned in such transactions. Your Lordships are not to imagine that Mr. Hastings had no distrust of Mr. Middleton, or that Mr. Middleton, though he was obeying implicitly the orders he receives, and appears, as he certainly was, completely devoted to Mr. Hastings, yet at the same time had any real serious confidence in him, or that he was without a jealous apprehension that he might betray him in some respect or other. The same is to be observed in all Sir Elijah Impey's letters.

Mr. Hastings' accusation of Mr. Middleton of accepting a bribe.

As a convincing proof of this sort of jealousy and suspicion amongst them, I need only remind your Lordships of the circumstances of Mr. Hastings' accusation against Mr. Middleton, upon the supposition that he had received money as a bribe while at Chunar, negotiating that treaty with him. A considerable time after Mr. Middleton's return to Lucknow, Mr. Hastings appears to have heard of some rumour that a considerable sum of money had been taken on account of the concessions made to the Nawab in the treaty of Chunar. As it was found that large concessions were made to the Nawab, and as it was taken for granted that some degree of faith was intended to be kept with him, knowing that those concessions had formerly been refused the Nawab, and refused by Mr. Hastings a short period before with every circumstance of reproach and insult,—finding they were now unaccountably granted him, they naturally conceived that that which had been denied to justice and truth had been granted now at some corrupt price. Accordingly, it appears that there were rumours abroad that a considerable sum of money had been taken in the course of this negotiation. Mr. Hastings hears of this. His purity is shocked, and he is alarmed

for his character. He instantly turns towards Middleton and Johnson; writes them a letter of plain insinuation; directs another letter to be written by his confidential secretary; tells them they are two corrupt fellows, and wishes they would clear their characters. Mr. Middleton, astonished at the charge and innocent, for anything that appears, of it—he and Johnson jointly say:— 10 JUNE 1788.

"We solemnly declare before God [and upon our honours, that we never have either of us in fact or idea]"—

Mr. Middleton had not only not in fact received money, but not in idea—

"received or been tendered"—not even tendered in idea—"a sum of money or a promise, directly or indirectly [any benefits whatever, by any person living, in consideration of any one or the whole of the articles specified or contained in the agreement concluded between you and the Nabob Vizier of the] 19th of September last."

This solemn asseveration, signed jointly by Middleton and Johnson, comes to the Governor General. He is undoubtedly struck by the solemnity, by the accuracy and minuteness, of the denial of the charge, and perhaps a little influenced by the consciousness of having the money in his own pocket. He is satisfied, and acquits Middleton and Johnson. I mention this circumstance to your Lordships—that you will perceive many instances, through the whole of this, in which there is no implicit confidence, but that knavish distrust which must exist among persons concerned in such a business—that that pervades through the whole; and therefore your Lordships are not to be surprised if, even in the most private and confidential letters, there appears some degree of contradiction.

Upon Sir Elijah Impey leaving Lucknow, and having delivered the message, or the pleasure or order, whatever you call it, to Mr. Middleton, we now enter upon the scene of action, and come to the proceedings which were had in consequence of that order or pleasure of Mr. Hastings. A great many questions were asked as to an apparent difference and contradiction between two letters of Mr. Middleton upon this subject, immediately after Sir Elijah Impey's leaving Lucknow, dated the 2d and the 6th of December; and a noble and very distinguished peer—though it is, I believe, irregular to state otherwise than that many questions came from the Court—but, however, there were many

Apparent contradiction of dates of two letters of Mr. Middleton.

10 JUNE 1788. questions pressed by a noble lord to Mr. Middleton upon this apparent contradiction.*

Explanation.

Now I think I shall be able to make this matter perfectly clear to your Lordships. You will observe that there were two great subjects to be managed under the instructions of Mr. Hastings, both direct violations of the treaty of Chunar; that is, one the compelling the Nawab to resume the whole of the jagirs—a direct infringement of the treaty; and the other, the seizing of the treasures—no part of the treaty. Our attention has been used to be fixed so much upon the fact of seizing the treasures, as the more violent act and the more disgraceful act, and that act which by bringing the son directly to the oppression of his mother shocks human nature most, that we overlook in a measure the importance of the act of resuming the jagirs.

Two subjects of instruction to Mr. Middleton, viz., to compel the Nawab to resume the jagirs, and to seize the treasures.

The Begum possessed property of two sorts—lands and treasures; and the taking from her her jagirs, if it stood alone, would have been an act of the most atrocious violence and most unjustifiable fraud. In considering these two acts, it appears plainly that Mr. Middleton had no great objection to the one, namely, the seizing the treasures; but that he did go with considerable reluctance to work upon the other, namely, the resuming the jagirs. Resuming the jagirs he describes as not only an odious service, but a service of some degree of danger. He states that, when he is put upon this, he must have troops to enable him to oppose, not only the jagirdars, but the Nawab's own amils, the Nawab being repugnant to it to the last. He says, I shall have the whole country upon me at once, and he desires leave to remove Mrs. Middleton and his own family out of the way, because he forsees he may incur some personal risk and danger. Therefore it is not extraordinary that, when Sir Elijah Impey makes communication to Mr. Middleton, that, in addition to the plan which was before settled of resuming the jagirs, he should also seize the treasures—it is not extraordinary that Mr. Middleton himself should wish to put the proposition which he was to get and procure from the Nawab—that he himself should wish to put it in the shape of an alternative; by which means he should get rid of the hazardous half of his duty and only have the safe part to execute. For your Lordships will recollect

His difficulty with regard to seizing the jagirs.

Instructions from

* The questions were put by Lord Stormont. The examination occurs at page 910 of the printed Evidence.

--which is an extraordinary circumstance — that in the whole of this evidence it nowhere appears what authority Mr. Hastings gave to Mr. Middleton to resume the whole of the jagirs. Mr. Hastings himself avows that he did direct the whole to be resumed. He avows more; he avows that, at the time when he signed the treaty with the Nawab, in which it is expressly stipulated that the Nawab should be permitted to resume such only as he thinks proper— that at that time he, Mr. Hastings, determined to defeat that design, and that he resolved he should resume the whole. This he avows, but it does not appear when he avowed it to Mr. Middleton; nor do any instructions to Mr. Middleton appear, except in one shape, which shows how the whole of this has been done. 10 JUNE 1788. Mr. Hastings on the subject.

In a letter to Mr. Middleton afterwards he says:—

"I am certain of your attachment to myself, and I know that your capacity is equal to any service; but I must express my doubts of your firmness and activity, and, above all, of your recollection of my instructions."

Now this could not refer to the written instructions which he often quotes in his letters, and which Mr. Middleton quotes too, and says he has always under his eye and is extracting passages from continually to Mr. Hastings; this must relate to certain verbal instructions which he had given him when they were together at Chunar. A part of those instructions must have been to return with the Nawab, and, instead of keeping faith with him in that article, that he should be indulged in his own will or his own caprice; that he should not be obliged to make the resumption general, which might throw his country into confusion and bring on a civil war——

When Sir Elijah Impey comes with the new propositions of seizing the treasure also, it is clear that Sir Elijah Impey did not bear the message from Mr. Hastings in the shape of an alternative; because Mr. Hastings himself repeatedly avows that the alternative had never entered into his mind, and that, when it did come in the shape of an alternative, he accepted it only in what he calls the first sense: but, when Sir Elijah Impey suggested to Mr. Middleton that it would be agreeable to Mr. Hastings if he could procure the proposition for seizing the treasures to come from the Nawab, then I say it is natural that Mr. Middleton should have wished to have suggested the idea to come from the Nawab in the shape of an alternative, to get rid Alternative of seizing the treasures instead of the resumption of the jagirs.

10 JUNE 1788. of the idea of resuming the jagirs. Accordingly, upon the 2d of December—I shall have little occasion to trouble your Lordships with many remarks on some of these letters, for the story tells itself so plainly that it is impossible to misapprehend it, with a slight degree of attention to the letters themselves—upon Sir Elijah Impey's having left Lucknow, Mr. Middleton writes a private letter upon the 2d of December, in this manner:—

Letter of Mr. Middleton of the 2d Dec. to Sir Elijah Impey.

"My dear Sir,—I had yesterday the honour of informing you of the message I sent to the Nabob through the minister respecting the jaghires,"—

Your Lordships will observe that this is by message; that he does not pretend to have conversed with the Nawab upon the subject—

"to which his Excellency this morning returned me a reply, purporting that, if the measure proposed was intended to procure the payment of his balance due to the Company, he could better and more expeditiously effect that object by taking from his mother what she is very able to spare, and what he has an undoubted right, as he conceives, to exact from her. The present debt to the Company, as he with truth observes, is in great part handed down from his father,"—

with what truth the past evidence will easily ascertain—

"and the funds from which he might have been enabled to liquidate it it is notorious were held from him by the Begum on the late Nabob's death. That, according to the laws of the koran,"—

Here is the Mohammedan law never abandoned for a moment in the midst of all pretences—

"and the invariable custom of the country, he is justly entitled to the whole estate and treasures of his father,"—

not the least recollection of the guarantee—

"and could legally demand their being put in his possession, but that the sum he desires to take from his mother—about sixty lacs (or 600,000*l.*) bears no sort of proportion to the immense wealth which fell into her hands on the death of his father; nor would it bear at all hard upon her, as he knows how much her treasures exceed that sum. All therefore that he asks is, not to be interrupted in recovering a part of his hereditary right, by which he will be enabled to discharge immediately the whole of his debt to the Company."

Now we have Mr. Middleton's opinion upon this:—

Proposition of the seizure of the treasures.

"This, my dear Sir, is a flattering proposition: and, as to the point of right, admitting it to be less clear and defined than the Nabob chooses to consider it, you may possibly be of opinion that the conduct of the Begums on the late disturbances at Benares, as set forth in the several testimonies laid before you, has forfeited any claim they might originally have had to the protection and mediation of the Company; and further, that it may not be political or yet perfectly safe to trust them any

longer with such powerful means of promoting an opposition to our interests." 10 JUNE 1788.

I am sure it will strike your Lordships as an odd circumstance here that Mr. Middleton should seem to be soliciting the acquiescence of Mr. Hastings to a proposition which he had just received, in the form of a proposal, from Mr. Hastings himself through Sir Elijah Impey. But your Lordships will recollect a moment that it does not follow that, though Sir Elijah Impey had executed his message very faithfully to Mr. Middleton, Mr. Middleton was to acknowledge to Mr. Hastings that he had received such a message, and that he was to do his business in so clumsy a way as to let Mr. Hastings know he had been authorised from him to make the proposal first to the Nawab. Sir Elijah Impey had informed him in conversation that it was his wish that the proposition should come from the Nawab :—" Do you accomplish that, and let it come from you as a proposition through you from the Nawab." The other would be a clumsy, coarse, way of doing it; therefore it is not at all extraordinary that he appears himself not to be conscious that he had received such orders and pleasure from Mr. Hastings. He adds :—

Motives for his affecting ignorance of Mr. Hastings' instructions to effect the seizure.

" For my own part, I am so well persuaded of the disaffection of the Begums, particularly the present Nabob's mother, to our cause"—

what his persuasion was founded on your Lordships will recollect from his affidavit—

" and of their promptitude to unite in any measure to distress us, that I could very easily reconcile it to my conscience to assist the Nabob, instead of obstructing him, in wresting from them every benefit they enjoy, beyond a decent maintenance. However, this is only my opinion, and by no means meant to influence your's"—

he having just before received Mr. Hastings' positive directions that he should procure from the Nawab this very proposition :—" The Nabob writes you himself upon this subject, and you have his letter enclosed." Where is that letter? I ask again. If the Nawab had ever made the proposition here, it would have saved Mr. Hastings all the prevarication and quibbles upon the subject: he would have produced the letter at once, and then it would have appeared that the proposition had come originally from the Nawab. But your Lordships will also observe that, if this letter ever had existed and had contained this proposal, it could not be that the Nawab had proposed to seize the

His reference to a letter of the Nawab's upon the subject.

10 June 1788. treasures in addition to the resumption of the jagirs, while Mr. Middleton is all the time speaking of it as an alternative and not as an original proposition. Mr. Middleton then adds,—"Neither he nor I expect that you should give a formal sanction to the measure proposed." Why not a formal sanction to the measure proposed? If the measure was a just and honest measure—if it was founded in circumstances that would have borne him out a moment in any part of the Defence—if it was founded upon a plan to extirpate the English, to dethrone the Nawab—if he had the basis for his conduct pretended for—why not a formal sanction to that measure? He adds:—

> "It will be sufficient that you but hint your opinion upon it, and enable me to inform his Excellency whether you would or would not oppose his design. Let me therefore intreat you, my dear sir, to favour me with a line by the return of the dawk; and if your sentiments should happen to accord with my own, I doubt not but I should be able to congratulate you in a very short space of time"—

here comes the great object—

> "upon the remittance of a handsome sum of money to the Presidency."*

Your Lordships see the hypocrisy and the fraud of this correspondence in this letter.

Letter of Mr. Middleton of the 6th of December.

Now we come to this letter of the 6th of December, which appears so contradictory to the letter which I have just read. At the time this was written there appears to have been no answer returned from Mr. Hastings to this supposed letter from the Nawab, or to this proposition of the alternative upon the 2d of December. Upon the 6th, we find Mr. Middleton writing in the following manner:—

> "Finding the Nabob wavering in his determination about the resumption of the jaghires, I this day, in presence of and with the Minister's concurrence, ordered the necessary perwannahs to be written to the several aumils for that purpose; and it was my firm resolution to have dispatched them this evening, with proper people to see them punctually and implicitly carried into execution; but before they were all transcribed I received a message from the Nabob, who had been informed by the Minister of the resolution I had taken, intreating that I would withhold the perwannahs until to-morrow morning."†

Your Lordships will alway bear in mind the bold attempt that is made to defeat our assertion with regard to the abject state of vassalage in which the Nawab stood to

* Printed in the "Minutes of the Evidence," p. 802.

† Printed as above, p. 803.

Mr. Hastings and his agent Middleton. He here entreats Mr. Middleton to withhold the issuing his (Mr. Middleton's) parwanas for the resumption of the jagirs; then he adds —which is the passage which appears so much to contradict the letter of the 2d of December:— 10 JUNE 1788.

"Your pleasure respecting the Begums I have learnt from Sir Elijah Impey, and the measure heretofore proposed will soon follow the resumption of the jaghires. From both, or indeed from the former alone, I have no doubt of the complete liquidation of the Company's balance."

Refers to his instructions received through Sir Elijah Impey.

Now the extraordinary circumstance appears to be this— that Mr. Middleton should upon the 2d of December propose this measure as an alternative from the Nawab, stating that he even encloses a letter to the same purpose from the Nawab, and that then, without having received his pleasure upon this measure heretofore proposed, that he should upon the 6th say that the alternative should be put out of the question, and that he should say the measure heretofore proposed, namely, the seizure of the treasures, should follow the resumption of the jagirs, not having appeared to have received any communication or orders from Mr. Hastings between the 2d and the 6th.

Remarkable difference between the proposals contained in the two letters.

Your Lordships will recollect that Sir Elijah Impey in the interval had left Lucknow. We find him swearing away at Lucknow on the 28th of November, and at the same work at Chunar on the 2d of December. He had returned to Chunar upon the 1st of December, and joined Mr. Hastings. Sir Elijah Impey had left Mr. Middleton, no doubt with knowledge that he, Middleton, wished the proposition should be made in the shape of an alternative, and was acquainted with Mr. Middleton's desire to get rid of the measure of resuming the jagirs if he could; and consequently he writes on the 2d of December and makes the proposition in the shape of an alternative. But Sir Elijah Impey, being possessed of his intention so to do, communicates with Mr. Hastings upon the subject. Accordingly we have upon the 1st of December a letter from Sir Elijah Impey, in which he says:—"What we talked of respecting the Begums Mr. Hastings approves, and would himself have proposed." Now the only difficulty is this—how we are to understand this communication? And first of all we are to recollect that Sir Elijah Impey does not pretend that these are accurate copies of his correspondence, or that he has given in the whole of his correspondence.

Probability of his having received a letter of instructions from Mr. Hastings, dated on the 1st December.

10 JUNE 1788. He admits that many letters may have been lost: he admits that he is sure he did write more than he has given in, and that the copies he has given in were little more than heads and hints—the foul copies, which, after showing Mr. Hastings, he copied. Therefore it is not too much to suppose that if I were to fix upon this letter of the 1st as that which altered Middleton's mind upon the subject, as it refers to the manner of executing the business and not the alternative proposed, there must have been some part of the letter omitted, or else some other letter accompanying it of the 1st of December from Mr. Hastings most probably enclosed, informing Mr. Middleton that he does not accept of the alternative, but that he accepts of it in the way he tells us in his Defence — in the first sense; for here Mr. Hastin s himself supplies the gap: he says, "when the Nabob made the proposition to me to resume the treasures, not as an original measure but as an alternative," he himself supplies the gap—that he would not accept it as an alternative but in the first sense. Therefore that must have been in that letter of Sir Elijah Impey, or else in a note of Mr. Hastings, which is suppressed, accompanying that letter of Sir Elijah Impey's to Mr. Middleton. Then probably Mr. Middleton, having received this letter from him of the 1st, writes without recurring to it or arguing the matter further: he says,—

> "Your pleasure I have received through Sir Elijah Impey, and the measure heretofore proposed will soon follow the resumption of the jaghires. From both, or indeed from the former alone, I have no doubt of the complete liquidation of the Company's balance."

There it seems as a matter of emphasis to make the matter clear—"I did propose it as an alternative, but I have received your pleasure that I must not take it as an alternative but practise a gross fraud upon the Nawab. I understand your pleasure now, and the seizure of the treasures shall follow the resumption of the jagirs."

That I do humbly conceive does away any obscurity or or any seeming contradiction that there might appear to have been between these two letters of the 2d and of the 6th of December.

Subsequent hesitation of Mr. Middleton.

This measure being determined upon, you will now find that Mr. Middleton begins to be a little wary. You will perceive that he begins to think Mr. Hastings is going a little too fast for him. As he was to execute the measure and Mr. Hastings was to stay aloof—I mean par-

ticularly now the measure of the resumption of the jagirs, which is the measure that Mr. Middleton showed most reluctance to and most dreaded to be employed in the execution of, as it was so much against the Nawab's will, would excite a general odium throughout the country, and would be attended even with the risk of his life—if this is given up, he says, a hint will do for seizing the treasures. "I cannot expect you will afford a formal sanction to a thing for which there is not the smallest plea of justice, but a hint will do." 10 JUNE 1788.

Desires instructions from Mr. Hastings for seizing the treasures.

But afterwards he grows a little more cautious, and wishes for something more than a hint from Mr. Hastings to begin a measure which will probably involve the country in a civil war, and attach upon him a great responsibility and possibly considerable risk. Here a great delay takes place. Mr. Middleton was not so alert in this business as your Lordships would have expected from his first offer in the letter respecting the treasures.

Correspondence of Mr. Middleton with Sir Elijah Impey.

In the meantime Sir Elijah Impey and he correspond. Here are some confidential letters between them, in which it appears that Mr. Middleton expresses his surprise to Sir Elijah Impey at some supposed acts of unkindness on the part of Mr. Hastings; that he thinks he has not his confidence, as Mr. Hastings is dissatisfied that he does not proceed with more expedition in what he ordered him. In his letter of the 6th, he says—for he had the day before received the communication of the 1st:—

> "The measure respecting the Begums and the resumption of the jaghires will be instantly adopted."

His letter of the 7th December to Mr. Hastings.

He then, upon the 7th, continues his correspondence with Mr. Hastings:—

> "My dear Sir," (again another private letter)—"I had the honour to address you yesterday, informing you of the steps I had taken in regard to the resumption of the jaghires. This morning the Vizier came to me, according to his agreement, but seemingly without any intention or desire to yield me satisfaction on the subject under discussion; for, after a great deal of conversation, consisting on his part of trifling evasion and puerile excuses"—

puerile excuses, my Lords, for not plundering his mother—

> "for withholding his assent to the measure, though at the same time professing the most implicit submission to your wishes, I found myself without any other resource than the one of employing that exclusive authority with which I consider your instructions to vest me."

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This is the Mr. Middleton who, at your Lordships' bar, disavows having any direct authority in the management of the Nawab's affairs, and maintains the independent will of the Nawab.

His endeavour to persuade the Nawab to order the resumption of the jagirs.

"I therefore declared to the Nabob, in the presence of the minister and Mr. Johnson, who I desired might bear witness of the conversation, that I construed his rejection of the measure proposed as a breach of his solemn promise to you, and an unwillingness to yield that assistance which was evidently in his power towards liquidating his heavy accumulated debt to the Company, and that I must in consequence determine, in my own justification, to issue immediately the perwannahs, which had only been withheld in the sanguine hope that he would be prevailed upon to make that his own act which nothing but the most urgent necessity could force me to make mine. He left me without any reply, but afterwards sent for his minister and authorised him to give me hopes that my requisition would be complied with: on which I expressed my satisfaction, but declared that I could admit of no further delays, and, unless I received his Excellency's formal acquiescence before the evening, I should then most assuredly issue my perwannahs; which I have accordingly done, not having had any assurances from his Excellency that would justify a further suspension."

At the conclusion of the letter he adds:—

"His Excellency talks of going to Fyzabad, for the purpose heretofore mentioned, in three or four days. I wish he may be serious in this intention, and you may rest assured I shall spare no pains to keep him to it."

That is his letter of the 7th of December.

His letter of the 9th December, announcing the Nawab's acquiescence.

Upon the 9th of December—your Lordships see the progress of this business, without its being necessary to make a comment upon the letters—he says:—

"I had the honour to address you on the 7th, informing you of the conversation which had passed between the Nabob and me on the subject of resuming the jaghires, and the step I had taken in consequence. His Excellency appeared to be very much hurt and incensed at the measure, and loudly complains of the treachery of his ministers,"—

I wish your Lordships to observe this particularly—that the Nawab, when he found that his ministers were supporting Mr. Middleton, complains of the treachery of his ministers—

"first in giving you any hopes that such a measure would be adopted, and, secondly, their promising me their whole support in carrying it through. But, as I apprehend, rather than suffer it to appear that the point had been carried in opposition to his will, he at length yielded a nominal acquiescence, and has this day issued his own perwannahs to that effect, declaring, however, at the same time, both to me and his ministers, that it is the act of compulsion. I hope to be able in a few days, in consequence of this measure, to transmit the account of the

annual value and produce of the jaghires, opposed to the nominal amount at which they stand rated on the books of the Sircar." 10 JUNE 1788.

He then adds:—

"I have the pleasure to inform you that the Nabob still adheres to his resolution of proceeding immediately to Fyzabad, for the purposes already mentioned to you, and will, I believe, depart in three days from this date."*

Letter of Sir Elijah Impey to Mr. Middleton, 9th December.

There is a letter from Sir Elijah Impey to Mr. Middleton, dated Buxar, 9th December:—

"I received yours of the 5th at this place, just before the dawk went to Benares. With regard to the jaghires and Begums, I have no doubt what you say will be satisfactory. Indeed I think the whole so. I left the Governor, who came as far as Benares with me, on Thursday last; he had, on what I assured him, resolved not to go to Lucknow, but proceed, as I much wished him to do, to the Presidency. He said he would write to you to that effect. If he has not, you will take no notice of this information."†

Letter of Mr. Middleton to Sir Elijah Impey, 19th December.

Then there is a letter, dated the 19th of December, from Mr. Middleton to Sir Elijah Impey:—

"I think we shall yet have some active service in fully establishing the measure of resuming the jagheers. The Begum has opposed the aumeel that was sent to take charge of her's, and vows vengeance, not only against him and the Nabob, but against the whole country if a jagheer is touched. Her own words to me and the minister are pretty expressive of her disposition, 'If my jagheer is touched, the whole country shall go with it.' She has a number of men in arms, which has obliged the Nabob to call for the assistance of another regiment from Cawnpore. His Excellency proceeds to Fyzabad to settle other matters on the 27th instant. The Mohurrum, he pleads, prevents his going sooner. I think the opposition the Begum has given to the measure of resuming the jagheer, which, as far as concerns her, bears not the shadow of exception, as she is to receive the value in ready money, will be a full justification of the future demands his Excellency has to make upon her. With such a disposition as she has betrayed, it would be the excess of folly to leave her in the means of gratifying it."‡

Letter of Mr. Hastings to Mr. Middleton, 26th December.

Then here is a letter, dated Benares, 26th of December, 1781, from Mr. Hastings to Mr. Middleton:—

Urges him to prosecute the seizure of the treasures.

"Sir,—My mind has been for some days suspended betwceen two opposite impulses, one arising from the necessity of my return to Calcutta, the other from the apprehension of my presence being more necessary and more urgently wanted at Lucknow. Your answer to this shall decide my choice. I have waited thus long in the hopes of hearing that some progress had been made in the execution of the plan which I concluded with the Nabob in September last. I do not find

* Printed in the "Minutes of the Evidence," p. 804.
† Printed as above, p. 805. ‡ Printed as above, p. 645.

10 JUNE 1788. that any step towards it has been yet taken, though three months are elapsed, and little more than that period did appear to me requisite to have accomplished the most essential part of it, and to have brought the whole into train. This tardiness, and the opposition prepared to the only decided act yet undertaken, have a bad appearance. I approve the Nabob's resolutions to deprive the Begums of their ill-employed treasures. In both services it must be your care to prevent an abuse of the powers given to those that are employed in them. You yourself ought to be personally present. You must not allow any negotiations [or] forbearance, but must prosecute both services until the Begums are at the entire mercy of the Nabob, their jaghires in the quiet possession of his aumils, and their wealth in such charge as may secure it against private embezzlement. You will have a force more than sufficient to effect both these purposes.

"The reformation of his army and the new settlement of his revenues are also points of immediate concern, and ought to be immediately concluded. Has anything been done in either?

"I now demand and require you most solemnly to answer me, are you confident in your own ability to accomplish all these purposes and the other points of my instructions? If you reply that you are, I will depart with a quiet and assured mind to the Presidency, but leave you a dreadful responsibility if you disappoint me. If you tell me that you cannot rely upon your power and the other means which you possess for performing these services, I will free you from the charge; I will proceed myself to Lucknow, and I will myself undertake them; and, in that case, I desire that you will immediately order bearers to be stationed for myself and two other gentlemen between Lucknow and Illahabad, and I will set out from hence in three days after the receipt of your letter.

"I am sorry that I am under the necessity of writing in this pressing manner. I trust implicitly to your integrity. I am certain of your attachment to myself, and I know that your capacity is equal to any service; but I must express my doubts of your firmness and activity, and above all of your recollection of my instructions and of their importance. My conduct in the late arrangements will be arraigned with all the rancour of disappointed rapacity, and my reputation and influence will suffer a mortal wound from the failure of them. They have already failed in a degree, since no part of them has yet taken place but the removal of our forces from the Douab and Rohilcund, and of the British officers and pensioners from the service of the Nabob, and the expenses of the former thrown without any compensation on the Company. I expect a supply of money equal to the discharge of all the Nabob's arrears, and am much disappointed and mortified that I am not now able to return with it."*

Tardiness of the issue of these instructions.

Here, my Lords, you perceive that at last, after a considerable delay, Mr. Middleton does obtain from Mr. Hastings this public authority which he waited for. After the private correspondence with him upon this subject, after the private letters between him and Sir Elijah Impey, no measures seem to have been taken to carry into decisive effect this resolution of resuming the jagirs as well as

* Printed in the "Minutes of the Evidence," p. 807.

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confiscating the treasures, till, upon the 26th of December, Mr. Hastings seems in a surly sort of manner to write to Mr. Middleton and say,—"Well, since you will have this public authority, take it. I approve of the Nawab's resolution to deprive the Begums of their ill-employed treasures." This is the 26th, on which, in an ostensible public letter, he appears for the first time to give his assent to that measure which he himself had proposed upon the 24th of November preceding.

Your Lordships will observe here the peremptory manner in which he gives direction with respect to the mode of carrying this resolution into execution. He says:—

> "You yourself ought to be personally present. You must not allow any negotiation or forbearance; but must prosecute both services until the Begums are at the entire mercy of the Nabob, their jaghires in the quiet possession of his aumils, and their wealth in such charge as may secure it from private embezzlement."

Mr. Hastings' attempt to absolve himself from responsibilities as to the mode of executing the measure.

Now, when Mr. Hastings comes afterwards to quote this passage, he endeavours to absolve himself from all responsibility as to the mode in which it was carried into execution. With respect to the inhuman cruelties with which it was attended, he says:—"So far from encouraging, so far from directing them"—this is in his Defence before your Lordships—"I ordered Mr. Middleton to be personally present." But why order him to be personally present? In order that there might be no negotiation; that there might be no forbearance; that he must stand as it were to guard the Nawab's heart from any chance of return of nature into his mind; that he must prohibit all negotiation; he must prohibit all forbearance; that for this purpose he must be personally present, to seize the wealth of these women, and to bring them, as he says, to the mercy of their son. This is the purpose for which he ordered Mr. Middleton to be present; though he afterwards insinuates as if it was with a view to prevent any harsh manner of executing his measures.

Answer of Mr. Middleton to Mr. Hastings' letter.

Mr. Middleton writes a celebrated answer to this extraordinary letter, divided in two columns; in which Mr. Middleton recapitulates all the instructions he received from Mr. Hastings, and then answers it paragraph by paragraph.* He denies that his presence is necessary at all

* This letter, dated from Lucknow, the 30th of December, 1781, is printed in the "Minutes of the Evidence," p. 811.

10 JUNE 1788. at Lucknow; he boasts of his own resolution and firmness to execute his orders; he answers the whole, paragraph by paragraph; and, with respect to that part of it in which Mr. Hastings says that his conduct in the late arrangements will be arraigned with all the rancour of disappointed rapacity, and his reputation and influence receive a mortal wound from the failure of them—this apprehension was on account of the only article of the treaty which had been carried into execution, being the removal of the troops, which was at that time effected—Mr. Middleton undertakes to vouch that, if his conduct should be arraigned in that respect, he would always testify that, upon the plan of the foregoing years, the receipts from the Nawab were only a deception, and not an advantage, but even an injury to the Company. So that he undertakes to prove, swear and certify, that the idea of removing troops from the Nawab, so far from a detriment to the Company, was a benefit; for their being there was a deception, and not a benefit to the Company. He says afterwards:—

Argues that the removal of the English troops will not be a loss to the Company.

"The difference between the amount and the remittances to the Presidency was an actual loss that the Company annually sustained, instead of a supposed advantage of a brigade of infantry and cavalry being totally defrayed by the Nabob. From this, therefore, I may safely conclude that the remission to the Nabob of this insufferable burthen was a profit to the Company, whenever the extra troops paid by the Nabob shall be disbanded, or quartered upon other neighbours who are protected by our power."

My Lords, it is a curious phrase, and conveys at once an idea of what the protection of our troops was, when, at the very moment he was removing them from the Nawab's country, on account of Mr. Hastings's own argument that they were an intolerable burden upon the Nawab, the cause of the ruin and the desolation of the country, Mr. Middleton proposes that they should quarter them upon other neighbours who are protected by our power.

Having finished this ostensible letter, which was to be the warrant for Mr. Hastings' leaving the whole transactions in his hand and his returning to Calcutta, there follows a letter which has been read more than once to your Lordships, but which shows the nature of these proceedings so much that I cannot resist troubling your Lordships with it again. It is the private letter which accompanies this public letter of Mr. Middleton. He says:—

Private letter of Mr. Middleton accompanying his public one, and contradicting it.

"My dear Sir,—I have this day answered your public letter in the form you seemed to expect. I hope there is nothing in it that may to you

appear too pointed. If you wish the matter to be otherwise understood than I have taken up and stated it, I need not say I shall be ready to conform to whatever you may prescribe, and to take upon myself any share of the blame of the (hitherto) non-performance of the stipulations made on behalf of the Nabob; though I do assure you I myself represented to his Excellency and the Ministers, conceiving it to be your desire,"— 10 JUNE 1788.

a desire never disavowed, your Lordships observe, by Mr. Hastings—

"that the apparent assumption of the reins of his government (for in that light he undoubtedly considered it at the first view), as specified in the agreement executed by him, was not meant to be fully and literally inforced, but that it was necessary you should have something to show on your side, as the Company were deprived of a benefit without a requital."*

This is the private letter written at the very same moment with that public letter, in which public letter he says:—

"I am well aware that these troops, staying in the Nawab's country, were not a benefit but an injury to the Company."

And in the private letter, he says:—

"You know we got the Nabob to sign that part of the treaty to account for the Company being deprived of a benefit without any requital whatever, and upon the faith of this assurance alone I may safely affirm his Excellency's objections to signing the treaty were given up. If I have understood this matter wrong, or misconceived your design, I am truly sorry for it. However it is not too late to correct the error, and I am ready to undertake, and, God willing, to carry through, whatever you may, on receipt of my public letter, tell me is your final resolve. If you determine at all events that the measure of reducing the Nabob's army, &c., shall be immediately undertaken, I shall take it as a particular favour if you will indulge me with a line at Fyzabad, that I may make the necessary previous arrangements with respect to the disposal of my family; which I would not wish to retain here in the event either of a rupture with the Nabob or of the necessity of employing our forces in the reduction of his aumils and troops. This done, I can begin the work in three days after my return from Fyzabad."

This letter, my Lords, is dated the 30th of December, just on the eve of their setting out to plunder the Begums of their treasures; wherein he contradicts all the main arguments in his public letters, he avows what he understands his connexion and relation with Mr. Hastings to be, and promises, God willing, to undertake whatever he orders, to share any part of the blame Mr. Hastings may choose to

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* Printed in the "Minutes of the Evidence," p. 814.

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allot him, and to deny any part of his public letters, or to alter them in any shape which he may choose to desire.

Letter of Mr. Middleton of the 3d January, 1782, respecting the march to Fyzabad.

The next letter is an account of the first marching to Fyzabad previous to his seizing the treasures: it is dated at Lucknow, the 3d of January, 1782, from Mr. Middleton to Mr. Hastings:—

"I have the honour to inform you that the Nabob marched to Fyzabad on the 1st instant, and that I follow him, conformably to your orders, to-morrow morning, having yesterday ordered away the 8th Regiment, to be ready to arrive with me on the 6th instant at Fyzabad. The 20th Regiment, under the command of Major Martin Gilpin, which was detached some days ago from Cawnpore to enforce the Vizier's order for the resumption of the Begum's jaghire, I have thought necessary to station at Lucknow, in lieu of the 8th Regiment, until my return from Fyzabad, when I shall be better able to judge how far and what force it may be necessary to employ against the agents of the Begums, who I understand have all received the most positive injunctions to oppose, by every means in their power, the execution of the Vizier's orders respecting the jaghires."

Letter of the 13th January. Employment of the British troops to seize the treasures.

There is another letter from Mr. Middleton, dated Fyzabad, 13th January, 1792:—

"With respect to the business here, I have the honour to inform you that yesterday, finding that the temporising and undecisive conduct of the Nabob seemed to promise an issue very different from that expected in your commands of the 26th of December last, and that the only use the two leading eunuchs under the Bow Begum made of the delay was to assemble and call in armed men from all quarters, which, when united with the large force already in the town under their direction, would in all probability have brought the matter to a much more severe and arduous test than it at present could admit of, I found myself necessitated to take the most immediate and decisive interference which the force with me was capable of; and accordingly, having the Nabob's written requisition, marched the 23d Regiment, under the command of Major Naylor, with a detachment of his Excellency's own troops, against the kella, and had the happiness to succeed in putting the Nabob's party in possession of it without any effusion of blood; the armed men returning from it on the approach of our troops, and drawing up with their guns in a large broad street before the house of the old Begum, to which the Bow Begum and the two principal eunuchs had retired the preceding evening. This effected, the Nabob issued his peremptory orders for the immediate departure of all armed men, excepting his own troops, beyond the precincts of the town, threatening them with an instant attack if they disobeyed. This order, after many evasions, was promised to be complied with, and the two eunuchs, Bahar and Jewar Ally Cawn, at the same time coming in and delivering themselves into the Nabob's custody, the armed men, amounting to between three and four thousand, evacuated the town and dispersed. I have since learnt that, had the Nabob's troops alone attempted the seizure of the kella a very desperate resistance was resolved upon; which appeared very probable, from the state in which the armed men were found, being the preceding evening furnished with a large store of ammunition, and now

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drawn up in regular order, with loaded pieces and their matches lighted. But they were prudent enough to think themselves unequal to the united efforts of his Excellency's troops, supported by an English regiment, and by this conviction much mischief has happily been prevented."*

Letter of Major Naylor commanding the troops.

There is a letter from Major Naylor to Mr. Hastings, dated Fyzabad, January the 14th, 1782:—

"Honourable Sir,—Some business of importance which the Resident had to settle at Fyzabad occasioned my suddenly joining him there. After my arrival, a couple of days passed in negociation, but without effect; and, the party in the town collecting and hourly gaining strength, at length, after mature deliberation, it was resolved that I should, with my regiment and four guns, storm the town, which I effected on the 12th in the morning. I very soon got possession of the kellah, in which is the palace and zenana, and, as there were not only several gates but openings in the walls, as I entered on one side they escaped at the other; but shortly after the party returned again, headed by the two principal eunuchs, Bahar Ally Cawn and Jewar Ally Cawn, and drew up opposite and within sixty yards of one of my posts, with three guns, and added the most aggravating behaviour. However, as they did not fire or offer any other acts of hostility, and when I reflected on the consequence that would attend a contested dispute in the streets of the town, of the zenana, &c. being subject to be plundered, even by themselves, which would have been attributed to me, and being so situated for the safety of the female part of the family on one hand, who were under the most dreadful apprehension, and for the support of his Excellency's authority on the other, who was waiting the result on the outside of the town, I was for a short time doubtful how to decide. However, as I had Mahomed Affrein Cawn along with me, a person in high favour with the Nawab, and well acquainted with both parties, I desired him to circulate lenient advice, pointing out how fatal an attack would be to them and inevitable ruin to those they appeared so zealous to support. It had the effect. The two eunuchs immediately surrendered; their people instantly left the town, and I ordered their guns to be dragged away. As soon as the tumultuous noise was over, and I had posted guards for the safety of the palace, &c., I directly sent a chubdar to the Begum, and offered every assistance she might want, and, at the same time, consistent with my instructions; which she accepted: and now I have the satisfaction to inform you the shops are all open, and peace and tranquillity prevails through the town."*

Letter of Mr. Middleton of the 13th January.

Then there is a letter from Mr. Middleton to Mr. Hastings, dated January 18, 1782:—

"I had the honour to address you under date the 13th instant, enclosing you the letter from his Excellency the Vizier, for which you inform me you are waiting, and acquainting you with the measures which had been taken here towards accomplishing the object of your commands. I have hitherto withheld any farther communication, in the expectation of shortly being able to inform you with certainty what

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* Printed in the "Minutes of the Evidence," p. 819.

10 June 1788. will be the issue of our proceedings, a subject on which I have been extremely unwilling to touch until I could do it on such grounds as could not mislead your hopes or expectation. Until yesterday the business was in no form that could enable me to pronounce or even conjecture what would be the result.

Secretion of her treasures by the Begum.

"It very early appeared that the Begum, with the assistance of her cojahs, had disposed of and secreted her wealth in such a manner as to elude almost the possibility of obtaining possession of it by mere force of arms; and, whatever rigorous measures it might be proper for the Nabob ultimately to adopt, it seemed, at all events in the first instance, highly expedient that we should pursue the course which promised with the greatest certainty the accomplishment of his first object, in which the interest of the Company and your desires were too much concerned for me to hesitate a moment in giving my concurrence to a temporary forbearance, which I had reason to believe was the most advisable, and, if it did not succeed, could be attended in the issue with no worse effect than a few days' delay in closing the business. Your letter to the Begum, which I had the honour to receive and forward to her yesterday, having destroyed a reliance which, notwithstanding the part I have avowed and acted with respect to her, she probably placed in the support and mediation of our Government, has given a very favourable turn to the business, and afforded me a well-grounded hope that, in one or two days more, I shall be able to inform you of a satisfactory conclusion of it."*

Suppression of a letter from Mr. Hastings to the Begum.

Your Lordships will perceive that a letter is mentioned here to have been delivered from Mr. Hastings to the Begum, which letter however is suppressed.

Another letter of Mr. Middleton to Mr. Hastings.

The next is another letter from Mr. Middleton to Mr. Hastings:—

"The Begum having finally agreed to surrender to the Nabob the treasures of his late father, the Nabob Sujah-al-Dowlah, which she has hitherto retained in her possession, his Excellency desired me to withdraw the troops from the kella, that the Begum might return into it, in order to deliver the treasure. To this I consented, as also to the re-delivery to the Nabob of the two eunuchs, Bahar and Jewar Ally Cawn, without whose presence and assistance nothing could be effected, as they were the only agents employed by the Begum in the secreting and depositing it; they previously pledging themselves to be present when called upon to answer to the accusation which I have informed them was laid against them. In the meanwhile, the Begum has delivered over her chelah Shumshire Khan, who was Phoujdar of Tanda when Captain Gordon arrived there, so that I now hope the whole business upon which I came here is in the most favourable train."

[*Mr. Sheridan, being taken ill, withdrew during the reading of the last letter.*]

Mr. Burke.—Your Lordships will remark that an accusation has been proposed to be delivered to this unhappy

* Printed in the "Minutes of the Evidence," p. 820.

man. Your Lordships will also not fail to remark that Shumshire Khan, upon whose conduct the presumed proof of rebellion was to rest, is here made prisoner, and in the same circumstances to make a charge upon him, if a charge had been found to be supportable. "Fyzabad, 27th January, 1782,"—letter from Mr. Middleton to Mr. Hastings,—

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Letter of Mr. Middleton of the 27th January.

"I had the honour to address you under date the 25th instant, acquainting you of the Vizier's having, from the treasure delivered up to him by the Bow Begum, commenced on the payment of his debt to the Honourable Company. I have now the pleasure to inform you that I am this day in possession of a sum equal to the liquidation of his bond for the balance of 1187, and he further gives me hopes that he shall be able shortly to begin payment of the 12 lacks due for the balance of 1188; of which I shall in due course give you information."

Receipt of money from the Nawab.

This correspondence, your Lordships will observe, continues in a regular train of narrative of the seizure of the Begum's treasures, informing Mr. Hastings of every minute particular concerning that transaction; "I have had the honour of receiving your commands of the 25th ult., and am exceedingly concerned," &c. Your Lordships will observe that this letter of the 5th of February, from Mr. Middleton to Mr. Hastings, was in answer to a letter written from Mr. Hastings to Mr. Middleton previous to that date, in consequence of the letter from Major Naylor to Mr. Hastings, informing him that Mr. Middleton had spent two days in the negotiation. Upon the 25th of January Mr. Hastings writes a letter to Mr. Middleton disapproving of that forbearance, blaming him for having delayed so much time in negotiation with the Begums, and expressing his decided opinion that he ought to have proceeded against the Begums without negotiation. This letter of the 5th of February, 1782, is in answer to that, excusing himself for the negotiation with the Begum:—

Letter of Mr. Hastings to Mr. Middleton, disapproving his forbearance.

Letter of Mr. Middleton of the 5th of February.

"Permit me to assure you, Sir, it is with the greatest reluctance I ever venture to deviate from the express letter of your instructions, and I cannot accuse myself of having done it on any occasion where it did not appear to my judgment that the object and spirit of them rendered it advisable, and that the apparent necessity would justify such latitude. In the present instance, it was more in appearance and expression than in fact that any deviation was made from your orders of the 26th December; for although I was constrained, from my strict regard to the accomplishment of what I considered the first object of this undertaking, to admit of a temporary forbearance, for the reasons assigned in my address of the 18th ultimo, the Begums were at that time to be considered as entirely at the mercy of the Nabob, the jaghires were in the possession of his aumils, their troops dispersed, and the kella of

10 JUNE 1788. Fyzabad, which included also the Bow Begum's own habitation, under the guard of his Excellency's and our troops. It remained only to get possession of her wealth; and to effect this it was then and is still my firm and unalterable opinion that it was indispensably necessary to employ temporizing expedients, and to work upon the hopes and fears of the Begum herself, and more especially upon those of her principal agents, through whose means alone there appeared any probable chance of our getting access to the hidden treasures of the late Vizier. And when I acquaint you that by far the greatest part of the treasures which has been delivered to the Nabob was taken from the most secret recesses in the houses of the two eunuchs, whence of course it could not have been extracted without the adoption of those means which would induce the discovery, I shall hope for your approbation of what I did. I must also observe that no further rigour than that which I executed could have been used against females in this country, to whom there can be no access. The Nabob and Salar Jung were the only two who could enter the zenana. The first was a son, who was to address a parent, and of course could use no language or action but that of earnest and reiterated solicitation; and the other was in all appearance a traitor to our cause. Where force could be employed it was not spared. The troops of the Begum were taken away and dispersed; their guns taken; her fort and outward walls of her house seized and occupied by our troops, at the Nabob's requisition, and her chief agents imprisoned and put in irons. No further step was left. And in this situation they still remain and are to continue (excepting only a resumption of the irons)—until the final liquidation of the payment; and, if then you deem it proper, no possible means of offence being left in her hands or those of her agents, all her lands and property having been taken, I mean with your sanction to restore her house and servants to her, and hope to be favoured with your early reply, as I expect that a few days will complete the final surrender of all that is further expected from the Begum."

[*Mr. Fox, who went out with Mr. Sheridan, came into Court and informed the Lords that Mr. Sheridan was so ill he was totally unable to proceed, and therefore he trusted the House would indulge him by adjourning to some future day.*]

CONCLUSION OF THE SPEECH OF RICHARD BRINSLEY SHERIDAN, ESQ., MANAGER FOR THE HOUSE OF COMMONS, IN SUMMING UP THE EVIDENCE ON THE SECOND ARTICLE OF CHARGE, RELATING TO THE BEGUMS OF OUDE; 13TH JUNE, 1788.

MY LORDS,—Before I proceed to sum up the evidence, I must thank your Lordships for the indulgence I received when I had last the honour of addressing you at this bar, regretting very much any embarrassment which may have been occasioned either to the cause or to your Lordships' convenience by that interruption; at the same time assuring you that nothing but a positive inability to have proceeded, with that strength and possession of myself necessary to the exercise of the duty I was engaged in, could have induced me to have given your Lordships the trouble of this additional attendance.

Observations on the correspondence.

My Lords, I left off recalling your Lordships' more minute attention to the correspondence, public and private, which passed between the principal and his agents in this extraordinary business. Letters, my Lords, which are indeed worthy the most minute degree of attention, because they contain, not only a narrative of the facts and conduct of this foul and unmanly conspiracy, but do also contain a plain exposition of the original views, the original motives and the real end and object, of the conspirators. My Lords, they also contain a plain account of all the various shifts, of all the unworthy tricks, of all the quibbles, of all the prevarications and of all the direct untruths, with which these facts were then endeavoured to be disguised, and are now attempted to be defended.

Explanation of the non-suppression of the private letters.

My Lords, convinced as I am that your Lordships are well aware of the importance of attending to the distinction between the private and the public correspondence, through the whole of this business, I have no doubt but that your Lordships must have been something curious to understand how letters should have come to light and be brought upon

13 JUNE 1788. record by the parties themselves, who had evidently so great an interest in suppressing them for ever from the public view. Your Lordships will have perceived, in parts of this correspondence, that, about the middle of December, there do appear evident signs of a sort of coldness and mutual distrust between Mr. Middleton and Mr. Hastings. This, your Lordships will perceive in part of the private correspondence with Sir Elijah Impey, seems to have arisen in Mr. Middleton's mind very much from the conduct of Mr. Hastings with respect to a man called Ismael Beg, whom he states to have been supported against him by Mr. Hastings, and to have obtained a very galling triumph over him. With regard to Mr. Hastings, it seems to have arisen first from that very tardiness with which Mr. Middleton delayed the execution of his private orders respecting the general resumption of all the jagirs. It seems afterwards to have been augmented by a very extraordinary circumstance of conduct on the part of Mr. Middleton—something like a direct remonstrance against the orders of his employer, Mr. Hastings, and an endeavour to dissuade him from the last atrocious act of treachery and oppression which he was about to effect against his friend the Nawab: not endeavouring to dissuade him upon the principles of justice or of gratitude—your Lordships will I believe not imagine—but upon the principles of expediency and policy.

Mutual distrust between Mr. Hastings and Mr. Middleton.

This beginning of coldness or resentment seems afterwards to have been considerably strengthened by another heinous offence on the part of Mr. Middleton, and so stated by Mr. Hastings, namely, his allowing two days of forbearance and negotiation from the Nawab to his mother, while he was besieging her in her capital. This appears to have stuck deepest in his mind, and to have been an offence above all others, and which Mr. Hastings seems least to have forgiven; although it is perfectly plain, both from Major Naylor's evidence and Mr. Middleton's own account, that it did prevent an actual massacre of all the women and children in that palace. It also seems to have broken out more still after the kella was seized and the persons employed were engaged in the plunder. Here it does appear, from one direct letter by Mr. Hastings, and another written by his order through Major Palmer, which is suppressed, that Mr. Hastings suspected strongly that Mr. Middleton was taking infinitely more than his share of this plunder; that he seemed to be reversing the relation

Mr. Hastings' resentment of Mr. Middleton's delay and forbearance.

Suspicion of Mr. Middleton's securing to himself a portion of the treasures.

between them, and to have taken the lion's share himself. Accordingly you see reproaches upon this subject from Mr. Hastings to Mr. Middleton. This produces an offer of a second present—supposed from the Nawab—through Mr. Middleton; Mr. Middleton not being acquainted, as he has sworn, with any circumstance respecting the first present. He now however states to Mr. Hastings that the Nawab, finding Mr. Hastings had broken every one of the articles of the treaty of Chunar—stating to Mr. Hastings that the Nawab's own distress was considerably increased, that his troops had risen upon him for want of pay and threatened his life—just in the moment of gratitude and opulence he represents him as offering another 100,000*l.* to Mr. Hastings. Mr. Hastings however, seeming then to have a distrust of Mr. Middleton, refuses this bribe through this channel. Your Lordships will find the account of it in the Appendix to the Evidence; and you will recollect that Mr. Middleton at your bar refused to answer upon this subject under an idea of criminating himself.

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Pretended offer of a present of 100,000*l.* from the Nawab to Mr. Hastings, through Mr. Middleton.

Declined by Mr. Hastings.

Your Lordships will however find that Mr. Hastings afterwards sends another agent to Lucknow, Major Palmer, almost for the single purpose of dissuading this Nawab—of finding some soft hour—catching him in an easy moment, and dissuading him, circumstanced as I have stated him to be to your Lordships, from forcing this 100,000*l.* upon him. Your Lordships will also find that the Nawab, when it was first mentioned to him, expresses the utmost astonishment and declares he never heard one word of the matter; he declares that they had better have taken the country at once, for justice is totally out of the question: and there are many acts of munificence of the Nawab which he does not appear to have had any cognizance of. It does not appear clear that the Nawab ever heard of the first 100,000*l.* he gave Mr. Hastings; for Mr. Middleton and Hyder Beg managed all these matters with great delicacy.

The offer disowned by the Nawab.

Your Lordships know it is always considered as an increase of a favour where the person receiving it is ignorant of the person from whom the obligation comes; but they, by a delicate refinement upon this delicate principle, managed so that the person conferring the obligation was ignorant of it himself. However these matters were, upon account of these circumstances and certain other supposed neglects, that he did not give information enough to Mr. Hastings, Mr. Middleton was recalled in September,

Recall of Mr. Middleton and

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Mr. Johnson.

1782, and actually left Lucknow in October; as also was Mr. Johnson, with circumstances of more rigour and more disgrace, though certainly guilty only in a subordinate degree. After their return however no further steps were taken; and by all accounts — and many circumstances appear to credit them—they continued to live with Mr. Hastings in the same habits of friendly collusion and fraudulent familiarity which they had ever lived in with him. This continued till about April, 1783: Mr. Hastings in the meantime had promoted Mr. Bristow, to his destruction, in the Residentship at Lucknow. He had sent him out with a due quantity of spies, and ensnared, beset and entangled, with certain friendly instructions of his own; Mr. Bristow's obedience to which was afterwards made the principal charge against him, and, when Mr. Bristow stated and produced the very letter of Mr. Hastings' own instructions, Mr. Hastings replied that that was a pitiful mode of defending himself. However, Mr. Bristow was sent up on the recall of Mr. Middleton.

Appointment of Mr. Bristow as Resident at Lucknow.

In 1783, in due order, came some of these suborned letters which I have acquainted your Lordships with, from Hyder Beg, complaining of Mr. Bristow. Your Lordships will recollect that, when Mr. Bristow was first sent, the Nawab was so surprised by Mr. Hastings sending him that he sent those two letters; one, that he liked him of all things, the other that he hated him abominably. Now, in November, 1783, the Nawab is undeceived, and is told the real view with which Mr. Bristow was sent to Lucknow. Accordingly he sends charges against him by his minister, Hyder Beg.

Complaint of Mr. Hastings against Mr. Middleton at the Board.

In April, 1783, Mr. Hastings begins his first complaint against Mr. Middleton. This causes a considerable degree of discussion at the Board, and it is observed as something rather extraordinary, both there and out of doors, that Mr. Middleton and Mr. Johnson should have been recalled upon the heaviest charges—Mr. Johnson brought upon a warning of forty hours, with fixed bayonets at his breast—that he and Mr. Middleton should have remained from October, 1782, to April, 1783, without one step being taken to inquire into their conduct. Mr. Hastings, to parry this, and to show his impartial disinterestedness, for the first time accuses them altogether. In order to frame this accusation Mr. Hastings finds that his public correspondence is not quite sufficient, and then, in that rash and eager man-

The private letters produced by Mr. Hastings to sup-

ner in which he went to work upon these sort of things, he throws these private letters upon the Council table, and directs the secretary to make out charges against Mr. Middleton out of them, not considering what parts made against himself, but, being caught by certain passages which he thought would make a charge against Mr. Middleton, and give a sort of idea that he was in earnest in the business.

13 June 1788. port his accusation.

Now, whether there was anything serious in this or not, whether it was only a continuation of that habitual collusion in which Mr. Hastings and Mr. Middleton lived, and that it was a sort of juggle in order to keep their hands in, because Mr. Middleton was then out of employment—whether it was done to blind the Council at Calcutta—whether it was done to blind the people at home, or to give an impression to the people at the court of Fyzabad, who, hearing that Mr. Middleton and Mr. Johnson were called to account, might conclude that he was accusing them on account of severity and rigour against the Begums, whereas, on the contrary, it was for their lenity to them—whether there was anything serious—whether Mr. Hastings drew the charge and the reply—or whether, in short, Mr. Middleton drew his own accusation and Mr. Hastings made the defence for him—it is scarcely worth inquiring; nor are there any circumstances that lead us to determine upon this matter. The event was such as might be expected; it ended in a rhapsody of Mr. Hastings—in a repartee, and in a poetic quotation: and there all these heavy charges against Mr. Middleton remain to this hour. The good effect however of it was that act of fortunate indiscretion—that act of providential folly—which has produced these private letters; from which your Lordships learn so much, and which I take upon me to assert do contain as full, plain, decisive and conclusive, evidence of the guilt of these conspirators as ever appeared in any court of justice whatever.

The private letters the only part of the correspondence to be relied on.

Having said so much with regard to the manner in which this private correspondence was produced, I am confident that your Lordships must have perceived, through the whole of this evidence, that these private letters are in truth the only parts of the correspondence worth looking to, and that all that is in the public and ostensible letters can be regarded only as fabrication and as falsehood, and ought never even with decency to be referred to for any

13 JUNE 1788. purpose but to prove the contradictions, to prove the falsehoods and the frauds, of those who wrote them.

As I am confident this must be your Lordships' opinion, and that you must have taken this distinction in your own minds upon the subject, I own it has not been without a considerable degree of astonishment that I have seen, in the course of our examination, the learned Counsel for the Defendant for ever recurring to this public correspondence, and opposing paragraphs from that to the decisive proofs we bring from the private letters, where only the truth ought to be looked for and can be found. But if I was particularly surprised at this general conduct of the Counsel, I was more particularly surprised indeed at their doing this with respect to one particular letter in this public correspondence, which they pressed with great eagerness to the attention of Mr. Middleton. The letter I mean is of the 27th of December, from Lucknow.

The original orders for seizing the treasures subsequent to the private orders for resuming the jagirs.

Your Lordships will always bear in mind that the original orders for seizing these treasures were subsequent to the private orders for resuming all the jagirs; that they were taken, upon the 15th or 16th of November, by Sir Elijah Impey—cleared up in the manner which I flatter myself I did clear up that circumstance the other day—to Mr. Middleton at Lucknow. After this, a private correspondence between Mr. Middleton and Sir Elijah Impey goes on; and your Lordships no doubt have been surprised to observe that no direct answer appears from Mr. Hastings; that he seems to take no part in the business till the 26th of December afterwards. In the meantime Mr. Middleton is assured that Mr. Hastings will give him that public authority which he is waiting for. Upon the strength of this, Mr. Middleton writes a proper ostensible letter to justify the conduct of Mr. Hastings. In the same manner as, upon the 17th of October, he puts together a string of extracts from supposed letters of Colonel Hannay, in order to justify Sir Elijah Impey's being sent at all to Lucknow; so, upon the 27th of December, he puts together a mass of supposed new information to justify the intended and indeed already determined resumption of the jagirs. So that your Lordships will see their argument, supposing we take their own case, stands this way:—They sign the treaty of Chunar upon rumours of disaffection in the Begums, and of their having given assistance to Cheyt Sing. They determined to give her an equivalent

Letter of Mr. Middleton, written with a view to justify Mr. Hastings in the resumption of the jagirs.

for the jagirs. In November they determine to seize the treasures, as they say, upon a rumour of an intended resistance to resume all the jagirs. When they come to resume the jagirs they construe this into an actual resistance. They bring the Nawab to Fyzabad, and then, upon a rumour—or something more here indeed—upon the appearance of resistance to the seizing the treasures, they then resolve to deprive the Begum of the equivalent. 13 JUNE 1788.

They state that the Nawab comes to Fyzabad in January; that, upon finding an apparent resistance to seizing the treasures, he is represented as, upon an after-thought, determining to seize those very treasures for which express purpose he came to Fyzabad. This is so clear that I am sure your Lordships will remember that we examined Mr. Middleton and Sir Elijah Impey both with respect to these facts. We repeated to them Mr. Hastings' own account of these transactions, and our question was: "Is not that account false in every particular?"—They both answered that it was. It did not indeed require much ingenuity for them to discover what we were endeavouring to extort from them, namely, that a resistance to the execution of an order could not have been the ground and motive for issuing that order. Mr. Middleton and Sir Elijah Impey both, at your Lordships' bar, declared these accounts by Mr. Hastings were untrue accounts of that transaction. However, when we were stating to Mr. Middleton the private correspondence, the Counsel pressed much upon Mr. Middleton: "Did you not write this letter of the 27th of December?" Mr. Middleton, who was often staggered and confounded by questions from his left, seemed now a little astonished at questions from his right—from the learned Counsel. He seemed not to be able to enter into the humour of the thing at all; he did not know what they meant.—"Did you not write a letter of the 27th of December?"—"Yes." "Did not you there say that the Begum denounced death and destruction upon the most trifling opposition to her caprice?"—"Yes." He says in his mind, "To be sure it was so settled with Hr. Hastings that I should write that letter; don't you know in the private correspondence that was settled between Sir Elijah Impey and me that I should write this letter?"

Mr. Hastings' account of the transaction.

My Lords, it would be a curious end of this business—though the Counsel I am sure do not assist in it—but it would be a curious end of this business if they were to

13 JUNE 1788. lay the whole of the guilt of this upon the tool Middleton—to say that he is guilty and Mr. Hastings innocent. That would be the only thing wanting to complete the consummation of the whole of this treacherous, fraudulent and oppressive, business. The private correspondence makes such an attempt wholly impossible; though I confess these questions to Mr. Middleton did seem to point a little that way.

Imprudence of the Counsel in citing Mr. Middleton's letter.

I am more surprised at the Counsel's pressing this letter to your Lordships' observation, because it is indeed well worthy your observation—but not with the purpose and with the view to which they seemed to bring it; for it does contain, from beginning to end, the most immediate and positive proofs of their guilt, and the most direct contradictions to all the pretences and all the defences they have set up; that I should have conceived, if there was one letter, public or private, in the whole of this correspondence, which the Counsel would have been anxious to suppress, to have said—"Let us get rid, in God's name, of that letter, and we fear nothing"—that it is the very letter which they, with an ostentatious earnestness, were pressing to your Lordships' observation.

Dissection of Mr. Middleton's public letter of the 27th December.

My Lords, you are apprised of what has passed in the private letters. In this of the 27th of December Mr. Middleton writes a public letter* to Mr. Hastings with great gravity, beginning—"Sir;" and tells him of the loss and indignities to which the Wazir has been subject from the jagirs; and he says, in order to remedy these evils, his Excellency had been induced to resume all the jagir lands throughout his country:—your Lordships having heard read to you that the Nawab, so far from being induced to resume them all, refused to issue his orders. Then Mr. Middleton tells Mr. Hastings,—"I have issued my perwannas to-day." He says he then allowed the Nawab a few hours' consideration, whom he had left in silent astonishment at his audacity and Mr. Hastings' treachery. That he then consented, declaring, however, that it was an act of compulsion. After this, standing clear before your Lordships, comes this letter that the Nawab had determined to resume all the jagirs throughout his country. "This measure," says Mr. Middleton, "has met with violent opposition from the Bow

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* Printed in the "Appendix to the Evidence on the Second Article of Charge," p. 88.

Begum." He then states that this is the more dangerous on account of the reluctance with which the Minister, and even the Nawab himself, interferes with any concerns of the Begum. That is another direct contradiction to everything the Counsel endeavoured to establish upon the subject of the particular eagerness of the Nawab to secure and to resume the jagirs, of the Begum in particular. 13 JUNE 1788.

My Lords, there are about sixty lines in the letter; and there are more than sixty falsehoods, and more than sixty contradictions to their own falsehoods, in the whole of it. He goes on:—

"From these two circumstances, strengthened by the immense wealth in her possession, also intrusted to her two chief eunuchs, Behar and Jewar Ali Khan, and her unreasonable expectations of support from the English Government"—

at the very moment that Mr. Middleton is writing to her and declaring the guarantee in full force, he says—"This woman's unreasonable expectations that the English should keep any faith or pay any regard to their guarantee"—a most unreasonable expectation truly, as I ever heard of!—

"of all which she and her servants avail themselves to the utmost, she is become one of the most serious internal evils, that among others seems to bid fair to give great disturbance to this country."

Then he gives a pompous description of the ill consequences of this lady's anger:—

"The great awe in which the Nabob, and of course every one under him, stands of her displeasure, leaves without bounds or restraint the effects of her uncommonly violent temper. Death and destruction is the least menace she denounces"—

certainly strong expressions of the eloquent rage of female fury; but, when I come to the letters of the Bow Begum, your Lordships will find they are light and trifling expressions compared to the provocation under which she uttered them—

"upon the most trifling opposition to her caprice."

She was a capricious woman, that had a strange feminine objection to being starved. They wanted to take away all her treasures, her whole estate, personal and real; and her dislike to this—a dislike which a great part of the assembly I have the honour to speak before would have sympathised with her in—this is called an act of feminine displeasure

13 JUNE 1788. and caprice in this lady. After making this charge against this capricious lady, he says :—

> "By her own conduct, and that of all her agents and dependants during the Benares troubles, it may with truth and justice be affirmed she forfeited every claim she had to the protection of the English government, as she evidently, and it is confidently said avowedly, espoused the cause of Rajah Cheyt Sing, and united in the idea and plan of a general extirpation of their race and power in Hindostan."

He goes on telling all these things as news to Mr. Hastings. He forgets his own affidavit; he forgets every circumstance upon the subject; he forgets the letter of the 17th of October, and for an admirable reason, I believe—because it was not then fabricated; if it was, he has lost all memory. Memory, your Lordships perceive, is not Mr. Middleton's forte; but here it is extraordinary he should have forgot all the established reasonings he had before communicated.

> "Her agent at Tanda"—

here comes the old story again—

> "who is the cheyla and adopted son of Behar Ali Cawn, her principal minister, treacherously turned his guns upon Lieutenant Gordon's detachment,"—

and so on. Towards the conclusion he says :—

> "These declared and repeated acts of rebellion are surely more than sufficient to forfeit all claim whatever to the interference in her behalf from our government."

After he has stated this, the last circumstance he states is, her opposition to the resumption of her jagirs, which he says bears not a shadow of objection;

> "because, notwithstanding all these facts, upon the general resumption of the jaghires I made the rents of her lands payable to me."

Here he gives information to Mr. Hastings even of the Chunar treaty—and, by the bye, I should have informed your Lordships that there are strong circumstances of suspicion that there never was such a thing as the Chunar treaty, at least not in the form in which Mr. Hastings pretends it to have been signed; but here he tells him, as an odd circumstance, that he had made the revenues of her lands payable to him, which was an express provision of an article in that very treaty. He then states her supposed intention to resist the resumption of her jagirs, and thinks

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Rebellion desired by Mr. Hastings as a ground for maintaining the seizure of the jagirs.

that now she has forfeited all claim to the interference of the English. And here I must remind your Lordships, and the Counsel also, that, in another letter, a private letter, to Mr. Hastings, he speaks of the reports of the Begum's intention to resist the resumption of the jagirs—speaks of it with pleasure. And here I beg also to remind your Lordships of what I stated the other day; namely, that Mr. Hastings did look and hope for another rebellion, as a ground to maintain his seizure of the treasures. In a letter to Sir Elijah Impey he says:—

"I hear she does intend to resist; then I think our friend will be justified in seizing her treasures."

Where then is the rebellion? What is become of that proved established fact, the original antecedent rebellion, which is stated throughout the whole as a full justification of every part of the conduct of Mr. Hastings in that respect? Here we find that this rumour of an intention to resist the seizure of the jagirs is spoken of as a happy accomplishment of Mr. Hastings' view. Sir Elijah Impey seems to rejoice in it. He thanks him for the good news; he says:—"Please God, there is a little bloodshed—if there is a little providential slaughter, our friend will be justified; he will have that ground of defence he has been looking to, namely a resistance excited by oppression and by the fraudulent attempt to resume the jagirs against this guarantee and against the treaty of Chunar."

At the end of this letter he says:—

"This will be a justification to withdraw our interference, and for depriving the Begum of those great resources which she has shown it would be extremely impolitic and unsafe to trust longer in her hands."

Here Mr. Middleton speaks as not having heard of the least intention hitherto, notwithstanding all the letters and verbal communication through Sir Elijah Impey, on the part of Mr. Hastings, with regard to the seizing the treasures, till this circumstance of the supposed resistance to the resumption of the jagirs.

Letter of the Nawab signifying his intention to seize the treasures.

"On this subject the Nabob has communicated to me his sentiments in a long letter,* a copy whereof I have the honour to enclose you,"—

* Printed in the "Appendix to the Evidence," p. 86.

13 JUNE 1788. I repeat my question again — why is that letter also suppressed?

"in which you will observe"—

in the Nawab's letter—

"he signifies his intention of prosecuting his legal claims upon her for the public treasure and effects belonging to his inheritance from his father."

So that here the Nawab, on the 27th of December, is writing a long letter, enclosed in this letter of Mr. Middleton, in which he proposes, as an eager wish of his own, to resume without condition the treasures of his father; when, on the 1st of December, he is represented as having written another letter (if he did write any at all) in which he proposes it only as an alternative and in order to be saved from being compelled to resume the jagirs. Now, however, the Nawab is eager upon the subject, and he writes this letter to Mr. Hastings.

Suggestion of Mr. Middleton for the seizure of Fyzoola Khan's jagir.

There is a circumstance at the end of this letter also worthy of observation, as it is explanatory of Mr. Middleton's construction of Mr. Hastings' motive, in which he says,—

"I must also take the liberty to add my opinion, that, unless Fyzoola Khan, remotely situated as he is, out of reach of interruption, in the centre of his own tribe and country, connected uninterruptedly with the other two remaining Patan powers, becomes included in this general reform of the jaghires, or some effectual check be imposed upon him, the whole may prove abortive."

That is to say, unless he is oppressed too the worst consequences will follow. Here Mr. Middleton, knowing that Mr. Hastings out of five articles had already broken four, had the rashness to believe he would keep one of them. He takes for granted, here not being in the secret, that Mr. Hastings had slipped in the words as he avows "when time shall suit," that he meant it should never suit, and meant to defeat that article the same as he had done the rest; and, as he was writing upon the subject of general oppression and fraud, he throws in this suggestion, knowing no more of Fyzoola Khan's ill-conduct or supposed rebellion than that of the Begum's, but equally ready to swear that he was an intolerable grievance and disaffected to our government. Now, it is an extraordinary circumstance, this charge against Fyzoola Khan happens to be the only thing to which Mr. Hastings, in his reply to the Commons, pleaded guilty—in which he owns that Fyzoola Khan had

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never shown any symptoms of disaffection; this he does acknowledge as error, and hopes it will be pardoned. This letter, though written in collusion with Mr. Hastings,—I don't mean to insinuate by any means that it was written by Mr. Hastings, as I believe many of Mr. Middleton's answers to him were, because your Lordships observe there is a clumsiness in the fraud, there is a coarseness in the deceit, that does not show the hand of the master at all; there is a great deal of zeal, but a clumsiness in the execution that I think we cannot impute to Mr. Hastings—this letter being meant as a public justification of what was to be done in January, the charge against the Begums following in due order the order for their condemnation which had preceded in November. I think your Lordships will be still more astonished upon this subject when you come to compare this public letter with a private letter of nearly the same date; but, in the interval, you will expect some account of the private correspondence that was going on with Sir Elijah Impey.

Private correspondence between Sir Elijah Impey and Mr. Middleton.

During Mr. Hastings' silence, from the 6th of December till the 26th, the business is carried on by Sir Elijah Impey and Mr. Middleton; and I wish your Lordships much to advert to these letters between Sir Elijah Impey and Mr. Middleton; and it is curious to track Sir Elijah Impey and the celerity with which he moves upon this occasion. For you find that, even after he had left Mr. Hastings at Benares, while at Buxar, while down the river, still Mr. Middleton continues to correspond upon this subject through Sir Elijah Impey, and through him to make his communication with Mr. Hastings. You find Sir Elijah Impey, upon the 28th, swearing and taking affidavits at Lucknow; upon the 1st of December, within three days, he is 200 miles off, doing the same at Chunar; then we catch him swearing away at Benares; then at Buxar; then at Bagulpore. We track him all the way in the affidavits. It is something completely ludicrous to contrast the vivacity and nimbleness of his motions with the gravity and seriousness of the business he is about. We know not what to compare him to. You hear him here and there clamouring for testimony, like the Ghost in *Hamlet*. We are inclined to call out to him,—

Celerity of movements of Sir Elijah Impey.

"Well said, old mole! can'st work i' the ground so fast?"

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In one respect indeed the similitude fails, for when this worthy pioneer made his appearance at Lucknow, though he visited, as he says himself, the Prince for the purpose of whetting his almost blunted purpose, yet he forgot the best part of the conjuration—

> "Taint not thy mind, nor let thy soul contrive
> Against thy mother ought."

—in that respect undoubtedly the similitude fails. But, though I have from the beginning mentioned with tenderness, really, Sir Elijah Impey's evidence, [and] although [it was] delivered with infinite dignity and gravity, yet there is one circumstance which, while in my mind, I must recur again to in his evidence; because I have seen an additional proof of what I threw out to your Lordships upon a former occasion, namely, that what Sir Elijah Impey asserted at your Lordships' bar—that he knew nothing further of these affidavits after his return to Chunar upon the 1st of December—cannot be true.

Assertion of Sir Elijah Impey that he knew nothing further of the affidavits after his return to Chunar.

Circumstances adduced in contradiction.

I did before prove to your Lordships that, though he has sworn that to the best of his belief he parted with Mr. Hastings the next day, yet he did remain six days with Mr. Hastings; that, afterwards, Major Davy accompanied him down the river with these affidavits; that he translated them while he was with Sir Elijah Impey; that we find him upon the 9th of December—which is the circumstance I was alluding to—swearing an officer at Buxar, and swearing him in this manner—an Hindu upon an English deposition, which is stated to have been first explained by the interpreter to the deponent. This passed in the presence of Sir Elijah Impey at Buxar, upon the 9th of December: therefore I do wish your Lordships, when you run over the evidence, to compare these facts with his assertions at your bar. I shall not make any comment upon the conclusion which I think will arise on the subject in your Lordships' minds.

Mr. Middleton's private letter to Mr. Hastings of the 28th December.

My Lords, I mentioned an extraordinary letter, as contrasted with the letter of the 27th of December; and this letter I do think exhibits a degree of depravity that never yet was exceeded in the foulest heart that ever existed in the bosom of man. Your Lordships will recollect all the circumstances which attended the Nawab's coming to the assistance of, and the acts of friendship which he showed to, Mr. Hastings at Chunar. Your Lordships cannot but have

now in your memory this public and ostensible letter written by Mr. Middleton upon the 27th of December—the eagerness with which he describes the Nawab to be determined to resume all the jagirs—his determination to prosecute his claim to his father's inheritance and to seize it from his mother—the long letter upon the subject which he is supposed to have enclosed from the Nawab—and the general state and temper, in short, of the Nawab's mind. Now, my Lords, look to the proof and to the truth. We will come now where the truth is only to be found, in the private and confidential correspondence between those conspirators. The date of the last letter is the 27th of December: this letter* is written the next day, upon the 28th of December,—"My dear Sir,"—your Lordships will always recollect these are the distinctions between the public and private letters—"I am this day honoured with your public letter of the 24th instant." Your Lordships will observe that, though frequent reference is made to private letters from Mr. Hastings, and a distinction taken between the public and private answers of Mr. Hastings, yet that we have no private letters of Mr. Hastings appearing; for when, at the accusation of Mr. Middleton, he produced these private letters from Mr. Middleton, whether it was that Mr. Middleton, knowing the whole thing to be a farce, or whether it was from that habitual awe in which he stood of, and shrunk under, the domineering and fascinating influence of his master—which your Lordships have seen, even in his presence at your bar—whatever the motive was, he appeared not to have dared to retort upon him, and none of the private answers of Mr. Hastings appear to have been given up or are upon record:—

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None of Mr. Hastings' private letters to Mr. Middleton produced.

"And I do not lose a moment in informing you that, without a total seizure of the country, it is not possible to collect this year a larger sum than the Nabob has already granted, which altogether exceeds that of any other year, at a time when his collections have been greatly diminished by the misconduct of Rajah Bovanny Sing, late Aumil of Byceewarrah, the insurrection across the Gogra and in other parts of this country, and, lastly, the heavy remissions he has been obliged to allow on the present year's rents for the losses by draught and hail which fell upon the close of the last harvest. Hence, my dear Sir, you will be able to judge how far it would be in his power to grant future jaidads. If your new demand"—

Mr. Middleton's letter continued.

Impossibility of collecting larger sum

* Printed in the "Appendix to the Evidence," p. 87.

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Dissuasion against sending troops to Lucknow at the charge of the Nawab.

this was sending the four regiments into his country, to resume the jagirs, against the Nawab's will, and to fight the Nawab's own amils and officers; which Mr. Hastings not only sends under the name of a succour to the Nawab, but which he says he shall make him pay for in an extraordinary way, on account of the peculiar kindness of the object for which they were sent—

"If your new demand is to be insisted upon, which your letter seems to portend, I must beg your precise orders upon it, as from the difficulties I have within these few days experienced in carrying the points"—

the resuming the jagirs and seizing the treasures—these points which he said the day before the Nawab was eager for pursuing—

"you had enjoined with the Nabob, I have the best grounds for believing that he would consider it a direct breach of the late agreement, and totally reject the proposal as such; and I must own to you"—

mark these words, my Lords,—

"I must own to you, that, in this present fermented state of mind, I could expect nothing less than despair and a declared rupture"—

he goes on and says—

"the wresting Furruckabad, Kyrague, and Fyzoola Khan's country, from his government;"—

there your Lordships see the complete account of the accomplishment of the whole of the treaty of Chunar, that is, of the breach of every one of the articles of it,—

"for in that light, my dear Sir, I can faithfully assure you he views the measures adopted in respect to those countries,"—

mark this, I beg, my Lords,—

—"together with the resumption of all the jaghires, so much against his inclination, have already brought the Nabob to a persuasion that nothing less than his destruction or the annihilation of every shadow of his power is meant, and all my labours to convince him to the contrary have proved abortive; a settled melancholy has seized him, and his health is impaired beyond conception."

My Lords, this is the man who, in the letter of the day before, is represented as acting wholly of himself, as being the proposer, the suggester, of all these schemes which have fixed a settled melancholy upon his heart, broke his spirits, destroyed his peace and impaired his health:—

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"And I do most solemnly believe that the march of four regiments of sepoys towards Lucknow, under whatever circumstances it might be represented, would be considered by him as a force ultimately to be used in securing his person. In short, my dear Sir, it is a matter of such immediate moment, and involving apparently such very serious and important consequences, that I have not only taken upon me to suspend the communication of it to the Nabob until I shall be honoured with your further commands, but have also ventured to write the enclosed letter to Colonel Morgan,"—

to countermand the march of these troops: and then he adds,—which lets you into the light of the characters of both these men :—

"If, after all, you determine that the measure be insisted on, it will be only the loss of six or at most eight days in proposing it; but in the last event, I earnestly intreat your orders may be explicit and positive, that I may clearly know what lengths you would wish me to proceed in carrying them into execution. I again declare it as my firm belief—and assure yourself, my dear Mr. Hastings, I am not influenced in this declaration by any considerations but my public duty and my personal attachment to you—that the inforcing the measure you have proposed would be productive of an open rupture between us and the Nabob—nay, that the first unnecessary step towards carrying it into effect must be on our part a declaration of hostility."

Now, my Lords, comes the conciliating circumstance to Mr. Hastings, in the point of view in which Mr. Middleton sees it :—

"There can, I apprehend, be no doubt but such an extremity would end in the ruin of the Nabob, and I think he would have sense enough to see it; but, under the circumstances I have mentioned, and encouraged as he would be by all the malcontents of his court, I am persuaded, as far as my own reason and judgment enable me to predict, that he would disregard all future consequences."

Letter of Mr. Johnson to the same effect.

My Lords, of the same date (of the 28th) to the same purpose—I need not trouble your Lordships with repeating it—Mr. Johnson also writes, to endeavour to dissuade Mr. Hastings from this atrocious measure.* He states the poverty of the Nawab. He states he is so wholly without resources that his troops had risen upon him the day before and threatened his life ; and he says :—

"Without troubling you with detail of arguments, I may venture to pledge myself to you that the additional demand you propose making cannot this year be obtained without a total reform of his government,"—

And how, my Lords, do you think his government was to be reformed ?—

* The letter is printed in the "Appendix to the Evidence," p. 88.

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"which if brought about by a campaign against him, by which alone it can be done"—

Reforming their friend and ally's government by a campaign against him, bringing war and slaughter in his country, is the protection which they gave him. This is the character of all the protection ever offered to the allies of Britain under the government of Mr. Hastings. They send their troops to drain the produce of industry, to seize all the treasures, wealth and prosperity, of the country, then they call it *protection;* like a vulture with her harpy talons grappled in the vitals of the prosperity of the land, they flap away the lesser kites, and then they call it protection! It is the protection of the vulture to the lamb—

Character of protection to the allies of the Company afforded by Mr. Hastings.

"which would at the same time stop at once all resources of collections; so that, admitting success, our situation in point of finance would be worse than before."

He adds at the end:—

"I sincerely hope, though I scarcely expect, to avoid displeasing you by the freedom of this representation."

Now, was there ever an account in the world to match this? Your Lordships will observe that, through the whole of their expostulation, through the whole of these representations which with trembling and fear they make to this man, they never once think of using the words faith—honour—truth—gratitude—justice. No, nothing but the impolicy—the inexpediency—the loss of money; not a word of faith; not a word of the obligations he was under to this man, who had flown to his rescue in the hour of distress; not a syllable of honour—truth—justice—or of gratitude. They knew the man they were dealing with, and they used the only arguments which they thought could find their way to his heart. I say that, if you search the history of the world, you will not find an act of tyranny and fraud to surpass this. If you read all past histories—peruse the annals of Tacitus—read the luminous page of Gibbon, and all the ancient or modern writers that have searched into the depravity of former ages to draw a lesson for the present, you will not find an act of treacherous, deliberate, cool, cruelty that could exceed this. What, after he had come to him in his distress at Chunar—after, miserable bankrupt as he was, he had given him 100,000*l.* to make

Absence of any appeal to justice in the expostulations of Mr. Middleton and Mr. Johnson.

Cruelty of conduct towards the Nawab.

his own private fortune—after his return, when they had broken every article of that treaty; when they had subdued his pride, his power, his conscience and almost his nature; when they had dishonoured him in the eyes of his subjects; when they had made him resume what his bounty had given to his friends and the old friends of his father—then, because nature had made a little feeble stand in his heart—then, with cold and callous severity, with temperate malignity, ... by making this man the last victim of their rapacious oppression,—I say, my Lords, the man who can fancy evil beyond this, his mind must possess a fertility in iniquity beyond which all the mischiefs in the world, since the entrance of original sin . . . . 13 JUNE 1788.

Such are the facts that come out upon parts of this private correspondence. Yet, my Lords, though I have said that this is the worst action to my conception that I ever heard or read of, I do not know whether I must not retract it when I think upon this climax of iniquity. Alps rise on Alps. There is something greater still beyond it. I very much doubt whether a letter from Mr. Hastings himself, after this, does not transcend and exceed even the transcendant iniquity of those former communications.

Mr. Hastings, your Lordships will find, indignant and provoked at this resistance on the part of the Nawab, determines upon some measure that shall over-rule and subdue his reluctance. He writes an angry letter, which was produced by a previous communication from Mr. Middleton, to the same purpose. Before he had written this letter of the 27th of December, he writes to Mr. Middleton in an angry style, and then, with a sort of hypocrisy which your Lordships will see through in a minute, he disclaims the private letter: he says, "Don't write private letters to me in future;" but he rebukes Mr. Middleton, and in a stern manner reproaches him that he has not fulfilled the extent of his orders. Something more, however, is necessary. Mr. Hastings is to let the Nawab know that he is determined upon this measure, and that he must not think of any retreat or any refuge in his kindness or in his commiseration for his wretched situation. This task is something more difficult than writing to Mr. Middleton. When he writes to Mr. Middleton the matter is easily settled by telling him what he means in the private letter, and giving him the orders he chooses shall appear afterwards in the

Angry letter from Mr. Hastings to Mr. Middleton.

13 JUNE 1788. public letter; but he cannot write in this way to the Nawab. Therefore it is necessary to couch a letter in such terms as may meet the public eye without convicting him hereafter, and yet at the same time inform the Nawab what his real motive and the real meaning of his heart is. This your Lordships will see most admirably executed in this letter.

Letter of Mr. Hastings to the Nawab.

Mis-dated 15th February for 30th or 31st December.

The Counsel, I dare say, will not dispute that point with me—that the letter is falsely dated the 15th of February; because in one respect it is falsely dated against himself. For if it was the 15th of February it would begin with an account of his having at Calcutta, on the 15th February, 1782, then first heard of the intention to resist the resumption of the jagirs, having before sent the Council an account of all the jagirs being in the quiet possession of the Nawab. But it is clear, from many internal circumstances, that it is parallel with a letter he writes at the same time to Mr. Middleton. He also, in his letter of the 1st of January to Middleton, mentions that he has written a letter to the Nawab, which he encloses and desires him to deliver to him. This is that letter: the 30th or 31st of December ought to be its date.

Purport of the letter.

It is to the Wazir. He tells him he has received a letter from Mr. Middleton, representing to him the opposition which is threatened by the Begum to his, the Nawab's, authority in the resumption of her jagirs. He mentions other circumstances, and then says he has directed Colonel Morgan, for the internal security of his country, to march our regiments into his country,—

Order for march of troops into the country.

"With order to act as your Excellency shall direct for the internal security of your country and support of your authority."

Your Lordships have heard how much they were to support the Wazir's authority; that is, to maintain a campaign against him, and to reform his government by destroying him and his subjects:—

To be subsidized by the Nawab.

"This detachment you will understand to be no part of the brigade on constant subsidy for the defence of your frontiers: it is formed from the troops lately in your pay, stationed at Futtyghur and in Rohilcund, which I withdrew to relieve your Excellency from a burden which you complained was too heavy for your finances to bear. These troops are at present an unnecessary expense to the Company, and would be disbanded but for the dangers which at present threaten your country. On these considerations your Excellency will allow it to be just and reasonable that the charges of the detachment should be entirely defrayed by you, and that the Company should be fully indemnified for all the contin-

gencies of keeping up a force on a probability of its being wanted for your service. On this I shall form an estimate, with the strictest attention to justice, for a subsidy to be paid." 13 JUNE 1788.

Then comes the curious part of this letter, he having the communication of the light in which the Nawab viewed the resumption of the jagirs, and the miserable state of mind to which he was reduced by that measure. He says:—

Promises visit to Lucknow.

"When I reflect on the uncommon and generous instance of your zeal for the Company and attachment to myself, manifested by the voluntary personal assistance and support which you afforded me at a time of the greatest danger to their interests and my own safety, I cannot, without feeling the strongest self-reproach of ingratitude, dispense with giving to you in a similar situation equal marks of my zeal and attachment to your person and interests; and I should on this principle alone fly to share your danger, although it were not in my power to remove it,"—

never sure was such noble magnanimous generosity!—

"especially as that danger has been incurred by my approbation of your design to resume all the jaghires."

Knowing himself the fact that he had directed this resumption contrary to every feeling and every determination of the Nawab. He, however, says:—

"It was your particular request at Chunar that we might meet once a year, and I with the greatest satisfaction accepted your invitation. The present conjunction appears to make it necessary to commence the performance of my promise, and, although my presence is required at Calcutta on the most urgent business, I have determined to set out immediately by dawk to Lucknow, and I flatter myself that you will not suffer me to return to the seat of my government without finally obtaining the great object of my journey."

Object of his visit to secure the treasures.

Your Lordships see here the great object of his journey—the gaining this great sum of money by any means, however base, fraudulent or oppressive, from this woman. He here clothes the most determined threats to the Nawab in words expressive of the effusions of a grateful heart. But he did not deceive the Nawab; the Nawab understood him well. He saw the mischief that lurked beneath his smiles; he saw the danger that was held out in a friendly tone for his assistance: for from this hour you hear no more objections from the Nawab, no more trifling evasions, no more puerile excuses. No; the last faint [glow ?] of expiring nature retires from his heart: he sinks and submits from this hour. This is the concluding part of that corre-

Submission of the Nawab.

13 JUNE 1788.

spondence which brings your Lordships' notice to the march of the troops, and Mr. Middleton, commander of the Nawab and his army, to the palace of Fyzabad.

Review of progress of the transaction.

I beg your Lordships to review for a moment shortly—and I really must apologise to your Lordships for wishing you to dwell longer upon subjects which must be so exasperating to the human heart to contemplate—but I wish your Lordships to review for a moment the whole progress of this business, from that period of time which I first stated to be the period when he first determined upon this measure. Your Lordships remember that, after his disappointment at Bidjey Ghur, that instant he seems to have turned an eye of death upon the palace at Fyzabad. At that glance—at that fell glance—peace, faith, joy, careless innocence and feeble confidence, that lay reposing under the superstitious shade of those protected walls, receive their inexorable doom. You see him instantly despatching Mr. Middleton to Lucknow to bear his orders, and then to gather justification. After that, you see the correspondence carried on between Sir Elijah Impey and Mr. Middleton; you see Sir Elijah Impey conveying to Mr. Middleton the alternate hopes and fears that agitated his mind in this business; you see Hyder Beg applying to Mr. Hastings and encouraging him to proceed; you see him confessing that he has got the curses and execration of his country for joining in this act of perfidy and oppression against the Nawab and his parents; you see the miserable state of the Nawab—wretched, dejected, in a settled melancholy; you see him submitting at last to his miserable doom. In the meanwhile, the great figure of the piece, not mixing in the battle, but afar off aloof and listening to the war, but not idle and inactive as he calls it, marking the whole of the business, collected, firm, determined. Then, when things the most tried begin to wince in the proof—when the patience of the Nawab and the conscience of Middleton began to fail—when things the toughest bend—then you see him, determined and firm, casting a general's eye over the scene, despatching his tough tool, Sir Elijah Impey, to reinforce the failing conscience of Middleton, desiring Ali Ibrahim Khan to whet and inflame the stouter villany of Hyder Beg. You see him present in mind everywhere, with cold, deliberate, sober, wrath, with tranquil, veteran, malignity, guiding the fell array and pointing to his object.

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My Lords, these things are before you, not in any manner that I can aggravate them by words, they are before you in clear, plain, distinct, proof, supported by fact and undeniable evidence. While these things are proceeding, if there were anything wanting to convince your Lordships of the guilt of the persons employed, and of the consciousness which they must have had in their own minds of that guilt at the time, you will find that amply supplied by adverting to the correspondence which was enclosed in Mr. Middleton's letter of the 27th of December, upon which I commented so much before. The enclosure to which he refers, namely, the correspondence between the mother of the Wazir, the Bow Begum, and himself, when she first hears of the intention to resume the jagirs, these do contain (though I shall not dwell long upon them) decisive proof, if there was a doubt remaining upon the subject, of her having never been engaged in any enterprise, any rebellion or disaffection, against the Nawab, her son, or the English, his allies. These are the letters which Mr. Middleton quotes with that angry expression from the Begum: and he states that angry expression as a just ground for her persecution and ruin. She wrote to Mr. Middleton the moment she heard of an intention to resume the jagirs.

Correspondence of Mr. Middleton with the Bow Begum.

This letter* is from the Resident to the Bow Begum. He informs her that,—

Letter from Mr. Middleton to the Begum, announcing the intended resumption of her jagir.

"The Nabob has thought proper, on account of the inconveniencies"—

and so on, the old falsehood—

"to resume all the jaghires in his dominions, in which yours is necessarily included; but, as the amount of your jaghire is confirmed to you by a written agreement between you and the Nabob,"—

mark now, my Lords, confession direct that this agreement and guarantee is still in force, when writing to this miserable feeble woman whom he determined to ruin—

"and guaranteed by Mr. Bristow, in behalf of the Governor General and Council, it will be made good to you in ready money."

Upon this communication, the Begum, with the utmost astonishment, says that,—

Answer of the Begum.

* This and the following letters are printed in the "Appendix to the Evidence," p. 85.

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"The jaghires are not granted by the Nabob, that he should resume them. What has he resolved against me? The consequence shall be extremities."

Threat contained in her letter to Hussein Reza Khan.

And in a letter to Hussein Reza Khan there is this threat, which the Counsel seem so delighted with:—

"Note this—that if my jaghire falls the country shall not stand. Remember this, and make the Nabob acquainted with it. It is not well that for a trifling matter much trouble should be occasioned. Recall the aumil."

And so on. The Bow Begum,—finding a real intention to seize her jagirs, in spite of the acknowledged existing guarantee by Mr. Middleton, and, so far from being conscious of any ill intention or disaffection to the English, conceiving herself intitled to gratitude from them on account of the obligation conferred by her on Captain Gordon,—says to Mr. Middleton:—

Her appeal to Mr. Middleton for protection in virtue of the guarantee.

"The Nawab has sent aumils to take possession of them;"—

that is, of her jagirs—

"the coulnamma under your seal"—

Mr. Middleton's own seal—

"is in my possession, in which all interference with my jaghire is disclaimed, as well as all demands on me for money. Now the engagements of the Nabob are disregarded, although the English are at hand."

Your Lordships will recollect that Mr. Middleton did not blush to acknowledge at your Lordships' bar that, to the very last moment and hour, the Begum did look for protection and for rescue from the English against the attempts which they attributed to the ministers of the Nawab. She says in another letter:—

"You are acquainted with the purport of the coulnamma disclaiming all interference with my jaghires, and, by the blessing of God, are at hand for my benefit."

Mr. Middleton is, by the blessing of God, at hand for her benefit—at the very moment that he was dragging the wretched son to the walls of Fyzabad to destroy her!—

"Yet I am astonished at this proceeding. The jaghires are not granted by the Nabob."

Reply of Mr. Middleton.

Mr. Middleton anwers this letter. And now comes the indignation of his, which bursts forth so violently in the letter of the 27th of December, writing to Mr. Hastings.

Now, no doubt, your Lordships will expect that you shall come at some information with respect to the rebellion, and that you shall hear Mr. Middleton, in a fair and manly manner, vindicating the British character and convincing her that they are not proceeding upon false pretences or unjustifiable grounds; and that he will now remind her of her ingratitude and perfidy; that he will remind her of the plan that she had engaged in to dethrone her son and extirpate the English. Among other circumstances for which I thank the Counsel, they have established that the treasures were at all times concealed (as appears indeed by other proof) in the inmost parts of the zanana; and they have proved that it was the custom to hide all treasures throughout all parts of Asia—we conceiving it only the custom where the English were known. Your Lordships doubtless would expect that Mr. Middleton, in his answer to the Begum, would reproach her with this ingratitude and perfidy. No such thing. He says:— 13 June 1788.

Observation concerning the treasures being always concealed in zanana.

"I had the honour to reply to your former letter yesterday, to the contents of which I must beg leave to refer you. As far as relates to securing to you the actual income of your jaghires, gunges, bazars, &c., as set forth in the coulnamma subsisting between you and his Excellency the Nabob, I certainly am bound in duty to interfere; because the faith of the Governor General and Council, my masters, has been pledged to you for it, and I am ready, as I before informed you, to settle that point to your satisfaction. But, as to continuing the lands, &c., in the form you have hitherto held them, his Excellency the Nabob is the master, and I cannot oppose his pleasure."

He cannot oppose the Nawab's pleasure in resuming the Jagirs, but guarantees an equivalent.

Now, my Lords, look at the dates. That very moment he had issued out his own perwannas because the Nawab would not issue his:—

"It behoves you to reflect well on this matter. I am equally the friend of you and your son the Nabob, and can have no prejudices in favour of the one or the other."

This man, who had repeated in letters—who had made a solemn deposition before his God—that he knew she was guilty of the worst of treasons, the most unnatural rebellion against her son and the worst of ingratitude to destroy the English, her protectors, now says he can have no prejudices in favour of one or the other. The Begum now does get angry; and I believe your Lordships nor any other person will wonder at it. She says she has heard from Hussein Reza Khan that he had spoken to Mr. Middleton

Answer of the Begum.

13 JUNE 1788. about her jagirs, and that he, in reply, had said that the Nawab's sending amils into her jagirs was not of any consequence or prejudice. That is, that, when she had her own security and the English guarantee that she should have her jagirs, and not an equivalent in money, it was a thing to satisfy her to tell her that he left her on the bounty of a bankrupt, and gave her the faith of a broken guarantee in lieu of the jagir which had been solemnly guaranteed to her. She says:—

Threatens to leave the country.

"If these are your sentiments, I cannot but be much astonished. Had any other person expressed such I should not have felt it, but imputed them to his ignorance. Since I heard that you should declare such as the above I have been in despair; as I cannot think the country any longer proper for my remaining in it, as those who bound themselves by engagements now disregard them. After the Mohrun is past, I shall repair to Lucknow and take my leave of it to sojourn elsewhere, as necessitated by the gentlemen at Lucknow, and as my inclinations once led me, and is now God's decree; though, should I be necessitated to quit the country, God grant that no soul may be able to remain in it in peace!"

Imprecates retribution on her injurers.

That is the threat which the Counsel lay so much stress upon. When this poor woman, conscious of the obligations the English owed her, confident of her own zeal—of her just attachment to them—was stung to madness by her wrongs, this harsh expression, justified by every principle, is dwelt upon by Mr. Hastings, by Mr. Middleton; and I am sorry to say that the Counsel themselves are not ashamed to seem to lay stress upon those expressions under such circumstances. She says:—

Reproaches Mr. Middleton.

" The power of existence rests not with you, but God. You are a ruler of the country, and can take to yourself the jaghires of others. Many are involved in distress. Pride is not commendable. How long is to be the period of your reign? Infamy is your due."

Whether she was justifiable or not in that reproach, I believe your Lordships will see and admit that it was at least made in a spirit of prophecy, and that that man has received that doom which she denounced upon him.

The Resident, in answer to this, says, in jocose manner:—

Reply of Mr. Middleton, treating her letter as a forgery.

" A person assuming your name has just arrived with a letter, under your seal, addressed to me; but as I cannot believe, either from the subject matter or the style, that it can have been dictated by you or written with your knowledge, I enclose a copy of it, that you may detect the forgery, and inflict a proper, exemplary, punishment on the persons who shall have dared thus to abuse your confidence and insult me."

This is the final answer which Mr. Middleton gives, concluding with this coarse vulgar jest—this brutal wretched waggery—the worst oppression and the foulest injustice. You see [him] all the way through, not advancing fairly, avowing his determination as an act of justice—an act of vengeance justified by the crimes of the Begum; no, you see him imitating the manner of looking to his objects of some of those milder monsters that inhabit the jungles of that country; you see him cringing towards his prey and fawning in his vengeance. This does not conclude the correspondence from the Bow Begum. 13 JUNE 1788.

Before I mention her last letter, however, I must beg to remind your Lordships of a letter from the Nawab Wazir himself to the Resident, though I shall not read it through. Mr. Middleton has enclosed these letters of the Bow Begum to the Nawab; therefore he is acquainted with all this ill language, as it is called, of the Begum, and he writes a letter to the Resident in consequence. Now you will expect to hear of this disaffection and ill conduct of the Begum's, whatever motive Mr. Middleton could have had to have concealed it. The Nawab, writing a confidential letter to Mr. Middleton, to communicate to Mr. Hastings, would undoubtedly have said, "I cannot bear these reproaches. Is not she the aggressor? Did not she forget her love and affection to me, and endeavour to dethrone me, and extirpate my good friends and allies, the English?" Is that the language? He says,—

Letter of the Nawab to Mr. Middleton in reference to the Begum's letter.

"She says her jaghires were not granted by me. At the time of the late Nabob's death, these mahls were under the charge of Jewar Ali Khan on the footing of other aumils, insomuch that the accounts, &c., were lodged in the dewan's office. These accounts, as they were delivered into the dewan's office to the date of the Nabob's death, are forthcoming. After his death, I, as a dutiful son, made over these mahls to her in jaghires. I am ready to acquiesce in anything for my mother. As for the other parts of her letters, I trust in God they are dictated by the household khajah, and that I have not caused shame to myself from my conduct to God or my mother."

Then he recapitulates that he was in debt to the Company, and in much distress to discharge it; and he continues:—

"It is my intention to proceed to Fyzabad in ten days, the Mohrum being over, to request of my mother the whole of my father's estate, to enable me to pay off all my debts to the Company. Agreeable to the laws of God, all my father's effects are my right, that I may make good all claims on him. If my mother from affection consents, I shall be

His intention to apply to the Begum for the treasures, in order to pay

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his debts to the Company.

happy; if not, in whatever manner she may render it, I shall pay it towards the adjustment of the balance due to the Company."

Now comes a passage which the Counsel seemed to think they could make a great deal of:—

"With respect to the household kajahs, I shall confine and punish them."

Confine and punish them!—for what? For heading a rebellion against him?—for causing a British detachment to be cut off, and a British officer to be attacked at Tanda? —No:—

"I shall confine and punish them for the knavery and means they have used towards effecting a breach between my mother and myself." *

The officious, tale-bearing, meddling, servants are disliked, and through the whole of this letter there is not a syllable that ever there had come to his ears a rumour of a charge of disaffection in his mother to either himself or the English. This is a conclusive proof that, to the last hour and moment—at the very time they were forcing this man to this outrageous, sacrilegious, impious, act to his mother—they never once suggested that any ill behaviour on her part could justify his conduct; he does not assert that he ever heard there was an insinuation or charge against them upon these grounds, upon which alone Mr. Middleton and Mr. Hastings affect to justify their conduct.

Letter of the Begum to Mr. Hastings.

After this letter, the Begum, deprived of all hope from Mr. Middleton, applies to her last resource—she writes to Mr. Hastings himself: and your Lordships will observe that it is received upon the 6th of January, six or seven days before the actual seizure of the jagirs. She complains with astonishment that they had attempted to seize her jagirs, and [says] that she had accordingly wrote several times to Mr. Middleton that his seal was to the treaty:—

"Why did he not negotiate in my favour? Mr. Middleton replied, 'The Nawab is the master.' Being helpless, I represent to you the state of my affairs, that, notwithstanding the existence of this treaty, I have been treated in this manner. It is useless for me to stay here. Whatever is is a compact. Whenever any one deviates from his compact he meets with no credit for the future: and the light of mine eyes, Azoph-ul-Dowlah, wrote to me that he had sent his own aumils into my jaghires, and would pay me ready money from his treasury. Reflect on my security for his adhering to his future engagements from the

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* Printed in the "Appendix to the Evidence," p. 86.

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consideration of his conduct under his past promises. I do not agree to his ready money. Let me have my jaghires as formerly: otherwise, leaving this place, I will wait on you at Benares, and thence will go towards Shah Jehan Abad, because he has not adhered to his engagements. Send letters to Azoph-ul-Dowlah, and to Mr. Middleton, and Hussein Reza Khan, and Hyder Beg Khan, not to molest the Begum's jaghire, and to let them remain as formerly with the Begum's aumils—and it is here suspected of me that my aumil plunder'd the property of Mr. John Gordon."

Rumour of the plunder of Capt. Gordon by her amil.

As the Nawab never heard a rumour—a shadow, or hint or reverberation, of a rumour—with respect to the disaffection of the Begum, so the Begum herself, to the very last hour or moment, never heard that there was the smallest insinuation against her. The only circumstance that ever came to her knowledge, till her son was besieging the kella—the only rumour was, that a servant of hers had plundered the baggage of Captain Gordon. She says:—

Her explanation.

"The case is this:—Mr. John Gordon arrived at Tanda, a jaghire of mine, fighting with the zemindars of Akberpoor, which belongs to the Khelsch. Accordingly, Mr. John Gordon having come to Tanda, my aumil performed whatever appertained to his duty.'

She afterwards says to Mr. Hastings:—

"Mr. John Gordon is now present: ask him yourself of these matters. Mr. John Gordon will represent matters in detail; the truth will then become known how ill founded the calumny is." *

Refusal of Mr. Hastings to inquire into the case of Capt. Gordon.

My Lords, this letter is proved to have been received at the date I mentioned; time enough, if his remorseless heart could have been softened. If he was not what he boasts of himself—inexorable and determined—which must be applied only to purposes of vengeance and oppression—if he could have been brought to doubt a moment what his duty was, he could then have inquired into those circumstances of Captain Gordon, he could then have stopped the execution of his last treacherous order. I say he did not inquire into the circumstances of Captain Gordon. I say so because, in the House of Commons, he refers to an explanation supposed to have been given by Colonel Hannay to Mr. Middleton, which is proof direct that he, knowing explanation would only make against the foul determination which lurked in his heart, never made any endeavour, while in time, to satisfy his mind and to stop this abominable act. He sends an answer to this letter.

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* Printed in the "Minutes of the Evidence," p. 699.

13 JUNE 1788. This answer does not appear. We have only Mr. Middleton's evidence that, while two days were passing in negotiation, Mr. Middleton delivered this answer of Mr. Hastings to the Begum; and then he confesses that hope left her at once—that she had no further hope, no further expectation. Her ministers, who were represented as Generals commanding troops, submitted instantly. Shumshire Khan was delivered up. The whole business was instantly concluded. For, till that moment, as appears by all the records, by all the evidence at your Lordships' bar, till that letter of Mr. Hastings' was delivered to this feeble woman, she did cherish the fond delusion that the English could not be so treacherous as to forget the solemn faith in which the British guarantee was pledged.

His answer to the Begum not produced.

Her abandonment of hope on the receipt of it.

This concludes the circumstance as far as relates to the progress of this business towards seizing the treasures. With regard to the private letters which I have dwelt so much upon, I do trust that your Lordships will not countenance a sort of distinction which was endeavoured to be taken by the learned Counsel, when first these letters were produced, when they requested your Lordships to remark that they were letters of a most private and familiar nature, inferring from that that they were not to be considered as testimony of equal authority with the deliberate public letters which stand upon record. I trust your Lordships will not countenance such a distinction. I trust you will not suffer them to insinuate, as Sir Elijah Impey does in his oral evidence, that it is not fair to take advantage of an answer which he made without adverting to the consequences. It is because these letters were written without adverting to the consequences—because these letters were written in an unguarded moment—because they were not meant for public view—it is therefore that I do state them as the best authority, the weightiest evidence, in the whole of these proceedings. If the learned Counsel had another object in making that distinction—because I believe your Lordships will recollect something of a remarkable circumstance in their compelling us to read certain private and domestic parts of these letters which we wished undoubtedly to avoid—if their object was to bring out an anecdote which is now under my eye, respecting the paternal tenderness and affection of the accomplice, Mr. Middleton, to his son, who was then ill—if they conceive that that would be a kind of reconciling and palliating circumstance to your Lordships,—

Validity of the private letters as testimony.

Reference to Mr. Middleton's feelings towards his own child.

I must say, though it may perhaps be thought something harsh, that the effect upon my mind was directly the contrary. I must speak what I feel on this occasion. I must then ask your Lordships, seeing this family anecdote in the light which I do, what must be the nature of these crimes, into which the loveliest energies of the human mind cannot intrude without exciting sensations rather of disgust and contempt than of respect? 13 JUNE 1788.

I know that I am speaking before those who understand what the feelings of fathers are. I trust I am not to learn them: but, my Lords, I say this aggravates what I consider as Mr. Middleton's guilt in this business; because it convinces me that his mind was not without circumstances to show him the sacredness of those ties which he was violating; because it shows me that he did not want opportunities of those duties which he was tearing from the bosom of another—that he could look in his child's face and read nothing there to warn him from the deed he was engaged in. Good God! my Lords, what a cause is this we are maintaining! What! when I feel it a part of my duty, as it were, when I feel it an instruction in my brief to support the claim of age to reverence, of maternal feebleness to filial protection and support, can I recollect where I stand? can I recollect before whom I am pleading? I look round on this various assembly that surrounds me, seeing in every countenance a breathing testimony to this general principle, and yet for a moment think it necessary to enforce the bitter aggravation which attends the crimes of those who violate this universal duty. Yet, my Lords, such is the nature of the charge which we maintain—such the monstrous nature of the guilt which we arraign—and such the more monstrous nature of the defence opposed to that guilt—that when I see in many of these letters the infirmities of age made a subject of mockery and ridicule—when I see the feelings of a son treated by Mr. Middleton as puerile (as he calls them) and contemptible—when I see an order given from Mr. Hastings to harden that son's heart, to choke the struggling nature in his bosom—when I see them pointing to the son's name and to his standard, when they march to oppress the mother, as to a banner that gives dignity, that gives an holy sanction and a reverence, to their enterprise—when I see and hear these things done—when I hear them brought into three deliberate Defences offered to the charges of the Commons—my Lords, I own I grow puzzled and confounded, and almost

Aggravation of guilt by breach of filial duty.

13 JUNE 1788. doubt whether where such a defence can be offered it may not be tolerated.

Filial love. And yet, my Lords, how can I support the claim of filial love by argument, much less the affection of a son to a mother, where love loses its awe, and veneration is mixed with tenderness? What can I say upon such a subject? What can I do but repeat the ready truths which with the quick impulse of the mind must spring to the lips of every man on such a theme? Filial love—the morality, the instinct, the sacrament of nature—a duty; or rather let me say it is miscalled a duty, for it flows from the heart without effort—its delight — its indulgence — its enjoyment. It is guided not by the slow dictates of reason; it awaits not encouragement from reflection or from thought; it asks no aid of memory; it is an innate but active consciousness of having been the object of a thousand tender solicitudes, a thousand waking watchful cares, of meek anxiety and patient sacrifices, unremarked and unrequited by the object. It is a gratitude founded upon a conviction of obligations not remembered, but the more binding because not remembered, because conferred before the tender reason could acknowledge or the infant memory record them—a gratitude and affection which no circumstances should subdue and which few can strengthen—a gratitude [in] which even injury from the object, though it may blend regret, should never breed resentment—and affection which can be increased only by the decay of those to whom we owe it—then most fervent when the tremulous voice of age, resistless in its feebleness, inquires for the natural protectors of its cold decline.

If these are the general sentiments of man, what must be their depravity, what must be their degeneracy, who can blot out and erase from the bosom the virtue that is deepest rooted in the human heart, and twined within the cords of life itself — aliens from nature—apostates from humanity! And yet, if there is a crime more fell—more foul—if there is anything worse than a wilful persecutor of his mother—it is to see a deliberate, reasoning, instigator and abettor to the deed. This is a thing that shocks, disgusts and appals, the mind more than the other. To view—not a wilful parricide—to see a parricide by compulsion—a miserable wretch, not actuated by the stubborn evils of his own worthless heart—not driven by the fury of his own distracted brain—but lending his sacrilegious hand, without

Baseness of instigating filial violence.

malice of his own, to answer the abandoned purposes of the human fiends that have subdued his will. To condemn crimes like these we need not talk of laws or of human rules. Their foulness — their deformity—does not depend upon local constitutions, upon human institutes or religious creeds. They are crimes; and the persons who perpetrate them are monsters who violate the primitive condition upon which the earth was given to man. They are guilty by the general verdict of human kind. 13 JUNE 1788.

I protest, my Lords, I am ashamed to have found it necessary to have bestowed a thought even upon a subject such as I have just now treated; but it does appear to me that the feelings I have been describing were not—and are not—in the hearts of those whom we accuse.

My Lords, before I proceed to the manner in which this act was executed, and the cruelties which are disclaimed by Mr. Hastings and laid upon his instruments which followed them, I shall observe to your Lordships upon one or two circumstances which come in an intermediate place in point of time, though they are not perhaps of equal importance with those to which I am coming. Your Lordships will recollect that, through the whole of this business, the strongest assurances are given that the Begums, after they are deprived of their jagirs, should have an equivalent; and, even when the determination of resuming their treasures was taken, as that was not taken upon any new provocation in fact and in reality, still Mr. Middleton to the last moment states that this equivalent should be punctually paid to them. I need only in one word observe to your Lordships that this, like every other thing in the shape or form of an engagement, was grossly and atrociously violated; that, after they had seized her treasures, these robbers never thought of giving her any sort of equivalent: that there never was a single rupee paid to her in fact is acknowledged. I need not dwell upon that: it is acknowledged by the gentleman at the bar that they were mortgaged in order to raise money to pay the Company's debt. Your Lordships have before you a letter of Mr. Bristow—we made Mr. Middleton confess it at the bar—that in 1783 they had not even received a single rupee; and Mr. Middleton states that the Begum was tenacious of her hoards; that, being deprived of her jagirs, and not having a single rupee granted in lieu of them, she was tenacious of retaining

Violation of the engagement to secure to the Begum an equivalent for her jagir.

13 June 1788. what remained of her treasures. That is therefore a circumstance of great aggravation in this business.

The pretended sale of her goods. The other circumstance I wish to allude to very shortly is the manner in which they disposed of the goods; for your Lordships will observe in the evidence that, after torturing and threatening the servants and ministers of this woman, they tore away, not only all the treasures, all the jewels, but all her wearing apparel, even to her table utensils, and sent them to be sold at Lucknow.

My Lords, Mr. Middleton was examined at your bar upon the manner in which this sale was conducted. I will not enter into the evidence; for, comparatively speaking, those are small objects, although they are such as in a civilised country would bring the perpetrator to a gibbet or a gaol—probably to both. They did divide the spoil in any manner they pleased. Mr. Hastings, even, in his Defence before your Lordships, calls it a sale or a pretended sale: so that he seems not to spare Mr. Middleton with regard to the manner in which this pretended sale was conducted. Your Lordships observe in the evidence there is an auction without bidders. They put their own price: and this is the manner in which they disposed of these goods; justifying undoubtedly the lamentation of the poor Begum, who says, that—

> "Even jewellery and goods she finds, from woeful experience, lose their value the moment it is known they come from her."

But I will not dwell upon this; for who doubts that, when the tyrant's oppression and rapacity took the field, the camp followers' pilfering, fraud and every meanness, followed.

The eunuchs, her ministers, put in fetters on account of the deficiency from the sale. It is in evidence before your Lordships, and it is undoubtedly an heavy aggravation upon the whole of this business—particularly in one light—your Lordships will find that, after they had disposed of these goods, the eunuchs [were put] in fetters—in imprisonment; not for any part of the original bond taken from these ministers, but it was on account of the deficiency arising from the fraudulent sale they had made of some of these goods, and for the deficiency in the batta of the money they had dug out of the minister's house. They continued their abominable cruelties or persecution for a sum that was not part of the original fine, as it were, but upon a pretence of the difference of exchange

which they charged upon her account; and they continued their persecution till they had received it. 13 JUNE 1788.

The other circumstance is a very extraordinary one, which is, the attempt that is made to find out new crimes against these women after they had possessed themselves of all their treasures; that is to say, not to find out new crimes indeed, but to find out, what was exactly the same, new debts to the Nawab and the Company. For, as their guilt originated in the distress and wants of the India Company, it was but a fair mode of proceeding that they should measure the extent of their guilt and crime according to their own necessities and the claim they could make out to the Nawab accordingly; and, though they had fined her to the amount of 600,000*l.*, which they seized and got possession of, Mr. Hastings, before he returned to Calcutta, writes to Mr. Middleton to desire him not to suffer the Nawab to make a conclusive settlement with his mother:—" I don't know how far she may be guilty, yet " I shall write to Mr. Larkin to search the faithful records " of the crimes of our allies in the cash accounts of the " Company: who knows but more crimes may be found " there?"

Attempts to fasten on the Begum fresh debts to the Nawab and the Company.

One of the accusations against Mr. Middleton was, that he maintained he had got all he had ever heard of. "Aye," says Mr. Hastings,—

"but there is a further balance of 26 lacs,—260,000*l.*, which appears to have been by some means overlooked or withheld from Mr. Middleton on the transfer of his office."

So he writes to Mr. Middleton, "Stop your hand: here is 260,000*l.* worth of treason. You must not think of coming to a conclusion till we have got that. We don't consider their treasons by any reference to the laws of their country—by any old civil law of Justinian—much less by the institutions of Timur or the local institutions of the country. No; but we try them upon the multiplication table; we try them by the rule of three, and condemn them under the institutes of that great legislator, Cocker's arithmetic." This is the dignified mode of proceeding: and this little circumstance, perhaps as much as all the proofs together which I have heaped upon your Lordships' table—this circumstance may serve as much to show you where lay the real origin and cause of all those treasons and rebellions of which your Lordships have heard so much.

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Disclaimer of object of influencing the court by description of the cruelties practised on the eunuchs and the women.

I come now, my Lords, to mention the circumstances of aggravation, of inhumanity and cruelty, which followed the seizure of these treasures, and by which the small remnant of balance which remained was extorted. The gentleman at your bar states, in one of his Defences, that the famine of the women and the imprisonment of the eunuchs are artfully brought forward by his accusers in order to interest people and to claim pity; but that they are circumstances with which he has no connexion, and for which he is not in the least responsible. I should think it an unworthy and pitiful mode of endeavouring to steal an interest to this cause which we do not want, if the Commons of England had placed in their charge a recapitulation and a narrative of those inhumanities, which must shock and disgust the heart of every man who hears them—I should think it a mean and pitiful method of endeavouring to create a feeling, and to be beholden to that feeling in our cause, unless I could bring them directly home to the person we accuse. Upon that ground alone it is that I refer to them.

Assertion of Mr. Hastings that the transactions were just and honourable.

Mr. Hastings, in his answer before the House of Commons, says:—

"I have conducted the narration of the preceding detail to its close, without choosing to interrupt it or disturb the attention of my honourable hearers by the concluding observation which I now think it necessary to make upon it; because I hold the whole series of the acts thus connected strictly reconcileable to justice, honour and good policy, whoever were the parties concerned in them."*

I beg your Lordships to observe that the Committee appointed to draw up the charges for the Commons had at that time regularly recapitulated every one of the cruelties, the severities, and the famished state of the Khourd Mahal. Upon that recapitulation Mr. Hastings states he had had full and perfect explanation; and then, having had that explanation, he makes this concluding remark:—

"Because I hold the whole series of the acts thus connected strictly reconcileable to justice, honour and good policy, whoever were the parties concerned in them."

Now, my Lords, recollect, I beseech you, the information we had from Major Scott, the incomparable agent of Mr. Hastings, relative to this passage. You will recollect that this

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* Defence of Mr. Hastings at the Bar of the House of Commons—Ed. Debrett, p. 120.

incomparable Major Scott told you at your bar that, after the Defence had been finished—that, after Mr. Hastings' had approved of it — Mr. Hastings added this particular paragraph with his own proper hand. He seems to have said to Mr. Middleton, "You have done well indeed in owning these transactions. You have done what I expected from you. You have acted up to that character in your celebrated letter, from Lucknow, when you offer, God willing,"—and never had a man more reason to trust in the connivance of God for a while to wickedness than this agent had—"that you were ready, God willing, not only to do anything, but to take the share of any blame upon yourself. You have done well, my trusty agent, in this; but you have not defended the acts—you have not said they were defensible by justice or policy. Give me the paper, puny profligate! my conscience is light; my character will bear it out. I will claim merit and applause from them. I will state that they are reconcileable to honour, justice and policy"—by policy I presume he means that wise and just policy which conducts good actions to a wise and good end. This seems the dialogue between him and Middleton. Mr. Middleton doubtless extends the compliment—"I will own everything. You find character; I'll find memory,"—and memory is his forte—"You bear the sword; I'll carry the shield." And forth these twin warriors sally to encounter the justice and indignation of their country.

Before I proceed therefore to impute those actions to Mr. Hastings, it is proper I should see a little whether they are of a nature that will justify the assertion in your Lordships' opinions of their being reconcileable to truth, to justice, to honour and to policy. It will be necessary, therefore, for me to state the actions themselves first, before I endeavour to impute them as crimes to Mr. Hastings. For, if I perceive, by that sort of consciousness which every person feels, in a certain degree, of the effect of what he is saying upon the assembly which he addresses—if I perceive that your Lordships also are of opinion that these are just, humane, honourable and wise, actions—I shall give your Lordships no further trouble upon that subject; for I stand here, not to display the merits of Mr. Hastings, but to arraign his crimes. But, if, on the contrary, I perceive—as I think I shall do — that all and every part of this assembly are struck with astonishment at the wickedness of the deeds and

13 June 1788. with horror at the boldness of the man that could defend them; if I perceive that those who have borne or who do bear the characters of statesmen are ashamed and confounded to hear the name of policy connected with such deeds—if I perceive that those who fill and adorn the judgment seats of this country regret and feel indignation that the name of justice should be prostituted in such a cause—if I perceive that those whose duty, and whose inclinations and tempers, doubtless, lead them to consider truth and mercy as the pillars of that faith which they cherish—if I perceive those grieve that a Christian should have borne such deeds or a man should own them—then, as assuredly as I see—which I think I shall—one spirit of burning indignation actuating all and every part of this great assembly—then will I, as surely as you judge them crimes, bring them full home, and place them upon the head of the bold culprit at your bar.

Order from Mr. Middleton for putting the eunuchs in irons.

The first of these transactions that appears, is that note which was recognised by Mr. Middleton, and which he admitted he had not been authorised to explain or deny by Mr. Hastings. It is directed to Francis Rutledge, upon their having obtained possession of the persons of these old ministers. Your Lordships will also recollect—which is another part of the evidence which adds to the gratitude I owe to the Counsel for many things they have brought out clear to your Lordships—that these men were persons of the highest rank in the country, which local ideas here would not lead people of this country to believe at first; that they had palaces and gardens, and were men of the first rank and situation in Fyzabad. The order is:—

"Sir,—When this note is delivered to you by Hoolas Roi, I have to desire that you order the two prisoners to be put in irons, keeping them from all food," &c., agreeably to my instructions yesterday.—Nathaniel Middleton."*

Major Gilpin's evidence.

This is the first of these humane, honourable, just and politic, actions, in that which was to take the course of a judicial proceeding for the discovery of alleged crimes. Your Lordships will recollect here that there were three periods of these cruelties. Perhaps your Lordships might have been a little puzzled by some part of the evidence given at your bar, particularly by Major Gilpin; to whose evidence I am happy to give the most honourable

* See "Minutes of the Evidence," p. 936.

testimony—that it was such as did him credit; and I was happy to perceive, and shall ever be happy in having an opportunity of doing justice to, the humanity which is so seldom seen among any of the persons concerned in these transactions. But Major Gilpin's evidence, and part of Captain Jaques' too, did seem to go to prove that they were treated with no other rigour than merely being confined in those good houses and gardens; and some attempts were made by the Counsel to prove that they partook of some diversions; in which they were rather checked by an observation made by one of your Lordships.

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That they were merely confined to their house.

The first time they were put in irons is upon this order to Rutledge, when they were kept without food, and certainly nearly famished. The object of that was, by severity—as Mr. Middleton afterwards owns in a letter—to compel them to tell where the treasures were hidden. When they had got possession of the secret, so as to have been in the receipt, as Mr. Middleton says, of 350,000*l.*, they then took a bond for the remainder of the money; and, during the period of taking the bond and the bond becoming due, they were content with confining these prisoners to this house and this garden. They were content with the remission of the irons, and they certainly, I believe, had food. But when the bond became due and they were unable to pay it, and the Begum would not discover more of the treasures, then they recommenced those severities and replaced those irons. I wish your Lordships to bear that in your minds. Undoubtedly, when you perceive that they have got the possession of these persons, and also of Shumshire Khan—that famous arch-rebel who never must be out of your Lordships' minds—you will naturally ask, as we did of the witnesses at the bar, what inquiry was instituted into the treason and the rebellion? Mr. Middleton answers, "None. No attempt was made to develope this plot." "Did you leave any measures untried to discover the treasures?"—"None." "Did you take any measure to discover the treason?"—"None," he confesses with equal veracity. Well, what becomes of Shumshire Khan? He is not included in this order; there is no mention of him. I should call him, if he could hear me at the bottom of that deep dungeon in which, no doubt, he was plunged, and if he could move or stir, for those tenfold fetters which, no doubt, he was loaded with. When you inquire, you find he had never had any severity used towards him. This arch-

Their first imprisonment in irons.

Release from fetters after giving a bond for money.

Again placed in fetters when the bond became due.

Shumshire Khan not imprisoned.

3 JUNE 1788. traitor they paid no sort of attention to; they did not even pay him attention enough to omit his food; they did not pay him the compliment of fetters; they treated him with the most mortifying neglect; nay, so much so that Major Gilpin says that, when he received an order to release the others, they forgot Shumshire Khan entirely, and knowing he was in prison only for a farce, he says he loosed him of his own accord; and Shumshire Khan is now upon his parole, or in the way to be forthcoming whenever this accusation shall be renewed. Few of your Lordships will believe that it is likely he will hear any more of this; though, no doubt, when he does learn from the Defences of Mr. Hastings — when they are circulated in India—the destroying of a British detachment, he will no doubt think he had a providential escape, when he had been so long in the hands of his enemies. But, however, no inquiry whatever was made, either with respect to those men or Shumshire Khan, having got possession of these ministers.

Captain Jaques says in his evidence that twelve lacs are yet due upon the fifty-five. He met forty-three, he says, upon the road. Twelve only remained due. "And, therefore," says Mr. Johnson, "you may assure them that, on the day their agreement expires, I shall be obliged to recommence severities upon them, until the last farthing is fully paid of the agreement that they have entered into." After this Mr. Middleton writes on the 18th of March—your Lordships will recollect they had extorted a bond from Behar and Jewar Ali Khan by famine; they forced them to sign it, and then kept them in prison—Mr. Middleton says, "The two prisoners have violated their written solemn engagement with me"—he was shocked at such a thing as a breach of engagement in any person whatsoever —"and therefore," he says, "I am under the disagreeable necessity of recurring to severities to enforce the payment. This is, therefore, to desire you immediately cause them to be put in irons [and keep them so until I shall arrive at Fyzabad to take further measures as may be necessary]."*

Second order from Mr. Middleton for putting the eunuchs in fetters.

The next letter is the complaint of Captain Jaques, which was the only matter of dispute among them; it was, who should pay for the irons. He afterwards says :—

Letter of Captain Jaques, recommending the removal of the fetters.

"The prisoners, Behar and Jewar Aly Khan, who seem to be very sickly, have requested that their irons might be taken off for a few days,

* Printed in the "Minutes of the Evidence," p. 856.

that they might take medicine, and walk about the garden of the place where they are confined to assist the medicine in its operation. Now, as I am sure they would be equally as secure without irons as with them, I think it my duty to inform you of this request."* 13 June 1788

The answer is from Mr. Middleton:— Refusal of Mr. Middleton.

"I am sorry it is not in my power to comply with your proposal of easing the prisoners for a few days of their fetters, much as my humanity may be touched by their sufferings."

This is the mild, gentle, meek, Mr. Middleton, of whose tenderness of heart Mr. Hastings was constantly apprehensive. He can't ease them of their fetters, though he is told that they will be equally secure, though they were sick and wanted to take medicine. He seems delighted to hear it: what signifies disease upon them? Then we have an ally that assists us in our cause. Now their spirits must be subdued. Now is the time to extract, in alliance with their disease and sickness, the secrets we are looking for—the hoards and concealed treasures of their mistress. They now propose to remove them to Lucknow:—

"When once their removal to Lucknow is effected, it will not be in my power to show them mercy or stand between them and the vengeance of the Nabob. Advise them to reflect seriously upon the unhappy predicament in which they will be involved in one case." Their removal to Lucknow.

Major Gilpin, out of whose custody they were then taken, is written to by Mr. Johnson, who informs him that the prisoners are to be threatened with severities to-morrow to make them discover where the balance may be procured, the fear of which may possibly have a good effect on the apprehensions of the Begums, lest they should discover the hidden treasures.

Now there is a circumstance relating to this supposed discovery that I own I saw with regret; I allude to the sort of advantage the Counsel wished to take of a passage in one of these letters. Major Gilpin says that a spy, that he had placed over the prisoners to attend to what messages might pass between them and the Begums, informed him that, on their arrival at Begum Gunge, they sent to the Begum desiring her to consider that their situation grew more and more serious, and urged strong arguments to induce her to pay the balance; that, if she did not, they Passage in Major Gilpin's letter perverted by Counsel.

* This letter, with the answer of Mr. Middleton, is printed in the "Minutes of the Evidence," p. 857.

13 JUNE 1788. must at Lucknow divulge every secret to save themselves. Upon this the Counsel began an examination of Major Gilpin, insinuating and endeavouring to draw it to this conclusion, that the secret that was to be discovered was the secret of the rebellion against the Nawab and the plan of extirpation of the English. But here you have, in Mr. Johnson's answer, notice of what that secret is—that they should, by fear of severities, discover the secret of the hidden treasure. Every man who reads the letter must see that it will bear no other interpretation.

Suggestion of the eunuchs to remove the Begum from her palace.

Major Gilpin says that the cojahs one day told him that, if he would pitch the Begum's camp equipage and desire her to prepare for an immediate journey, in all probability she would pay the balance due. Upon this circumstance also the Counsel seemed to think that they should gain something, by establishing that the inhuman proposition of tearing this old lady from her palace, and exposing her to shame and indignation, was the ministers'. Granted; and what do they get by that, but prove—and they triumph in it—that they had subdued the spirit of these poor wretches till they had reduced them to something like treachery against their mistress. They seem to say it came from him who was most conversant with the religious superstitions and decorum of the country; a suggestion of those who know that the very threat itself was a threat against the life, and the attempt to execute it equal to the punishment of death: it was from that authority we adopt the threat. And in that they triumph, and think they have discovered a plea and excuse for this defendant.

Further cruelties practised on the eunuchs.

After that there comes a threat of a curious nature, which gives an answer to all the Counsel attempt to establish and all their examination endeavours to lead to—that those ministers were the Nawab's prisoners, and not the prisoners of the English. The last final threat is, to tell them that, after having been put in irons at Fyzabad—after having been brought and double ironed, as your Lordships see in one of these letters, in which it is said,—"I send you here another pair of fetters to load their feet with:" the answer is,—"They are already so galled and swollen that they cannot put on the additional fetters;"—after all this, Mr. Holt in his evidence [and] a letter of Mr. Bristow's aver the fact that they were led out to corporal punishment; that they saw the preparations made to tie them up; and the fact is, the elder of them, an old man near seventy, was

inhumanly scourged in the streets of Lucknow. After being confined in Fyzabad—after being double-ironed at Lucknow—after being publicly scourged—now comes the climax, the threat that they will send them—where?—to Chunar Ghur. They give them four days' notice that they will send them into a British fort—into pure British custody: having found a greater degree of punishment under the immediate eye of the Nawab, then, to come to the climax of misery, they point to Chunar, a British fort, where the British flag was flying at the moment! Am I speaking in the hearing of any officer who has served in India?—and gallantly many, nay, all, have served in India. Am I speaking before those who think that that flag, at whose sight the heart of slavery has always drooped and the standard of tyranny tottered—that that should be pointed to as the signal of oppression, as the mark of a spot where neither mercy nor humanity can inhabit—where there are heavier chains, severer threats and sharper scourges—where there was something to be found lower than perdition and blacker than despair? "We will send you from this place into custody purely British, and think what your situation will be then." 13 June 1788. Threat to remove them to the British fortress at Chunar.

And yet, after this last damning proof of whose prisoners they really were, and of what they thought was the severest threat and the sharpest torture they could use to them, the Counsel still endeavour to maintain, and Mr. Middleton attempts at your Lordships' bar to maintain the same, that they were not his prisoners—they were the Nawab's prisoners; he ordered the fetters, he ordered them to be scourged; that he entirely practised all these cruelties. Your Lordships will not, after that, have much doubt whose prisoners they were, or who are responsible for the inhumanity with which they were treated. Attempts of the Counsel to prove they were the Nawab's prisoners.

My Lords, I have said there was no inquiry. There was however something—not an inquiry; but a threat of accusation was used to them. Major Gilpin answers the letter of Mr. Johnson, in which he is directed to threaten that they will be charged, unless they discover where the treasures are, with a new accusation. They say,—"We will suspect you of being concerned with a rebel, Bulbudder Sing, who is an enemy of the Begums, and who had destroyed and ravaged parts of her own lands." "Tell them that," says Mr. Johnson, "and see whether they will not tremble under that accusation." Major Gilpin answers,—"They Order from Mr. Johnson to Major Gilpin to threaten them with an accusation of rebellion.

13 JUNE 1788. deny all the facts, and they do stake their lives upon any the smallest proof being brought against them." What is the answer to this? "Tell us where the treasure is" is the only reply. All craft is thrown aside. They seem to disdain the limping pace of fraud; they stand upon no pretences; they disclaim all appearances; they instantly answer, "Then tell us where the treasures are hidden."

Injustice of urging them to betray their mistress, the Begum.

This is one of those actions consonant to British justice and policy. They say, "You are charged with the blackest of all crimes—with ingratitude and treason to the Nawab, your master. You are charged with a bloody and desperate attempt to lay the country in civil war. You are charged with an attempt to destroy your brethren and allies, the English. Now, if you will add but one more crime to the black catalogue—the basest that can deform human nature—ingratitude and treachery to your mistress—then we are friends, then we take you to our bosom, and you become fit associates for the British Government in India." Oh! Justice! Faith! Policy! fly from this spot—though your temple and sanctuary—for a moment, and do not hear that human arrogancy has charged you with such crimes; for it is not in the power of human vengeance to punish for such crimes. These are the crimes and the charges, so far as they relate to the treatment of the eunuchs of the Begums.

Ill-treatment of the Begums.

The next series of acts of justice, of policy and of humanity, relates to the two Princesses, the mother and the grandmother of the Nawab. I have no doubt but that your Lordships would have hoped that the inhumanity and the cruelty of these persons should have been confined to the agents of the Princesses. I have no doubt but that you would have hoped that they would have confined the torture of the mind, and their severities and their threats—to use Mr. Middleton's phrase—to have endeavoured to have acted upon the Princesses only through the medium of their confidential servants. But I am sorry to say that you will find the same spirit exactly exercised towards these unfortunate women themselves. This is really a disgusting part of the subject. It so shocks and affronts human nature to listen to it that I shall touch but very lightly upon it.

Captain Jaques first states a complaint from the Bow Begum of her servants having left her; which he states to be true; also of their want of means to subsist them. Major Gilpin afterwards, upon Mr. Johnson's suggestion that this hint, as he calls it, of the cojah's was a good one,

directs him to place a guard upon the elder Begum's palace, who lives at a considerable distance, as your Lordships will recollect to have heard, from the Zanana and the Khourd Mahal, which are nearer together, and the residence of the widow of Suja-ud-Dowla, the late Nawab, the Bow Begum. Upon placing this guard, a general spirit of indignation and resentment appears to have possessed the minds of all the poor wretches round the country, and they gather together in a hostile threatening manner. Major Gilpin, with a humanity that does him credit, disobeys his orders and returns from the palace. Upon this, Mr. Johnson writes him a reproaching letter.* Mr. Johnson, acting under the true spirit of these peremptory orders, and that dreadful responsibility which Mr. Hastings had denounced upon those to whom he had committed the execution of his orders, reproaches Major Gilpin for having taken this measure, which Major Gilpin himself stated it might have led to a general massacre if he had not taken. Major Gilpin replies to this, and remonstrates with Mr. Johnson upon the occasion. He said it was impossible for him to have restrained his troops; and he mentions what Mr. Johnson himself states in his letter,—

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A guard placed on the palace of the elder Begum.

Removal of the guard by Major Gilpin.

Reproached for so doing by Mr. Johnson.

Major Gilpin's reply.

"That it was necessary, unless my orders for extirpating every man in arms had been positive, and which from the tenor of your letter I never could expect to receive, as you say it is not worth proceeding to extremities with so respectable a family, &c."

I must too do credit to them wherever I see anything like lenity in Mr. Middleton or his agent. They do seem to admit here that it was not worth while to commit a massacre for the discount of a small note of hand, and to put two thousand women and children to death in order to procure prompt payment. I wish to do them credit where I can, and this is the only opportunity that I had of doing it.

"The situation of affairs all day yesterday was very precarious, so much so that, by the increase of troops in the city, I every moment expected the serious scene to open. The Bow Begum sent no message all the day; which confirmed me in opinion she meant an immediate attack; and in consequence I was prepared in every respect, and gave the necessary instructions to every post and party. Early in the evening the Bow Begum sent to request I would send my commandant to her;

His representation of apprehensions of an attack from the Bow Begum

* See the Correspondence between Major Gilpin and Mr. Johnson in the "Minutes of the Evidence," pp. 874, et seqq.

13 JUNE 1788. which I readily complied with; but told him to tell her that assembling such a numerous force in the town was needles; that I had given orders, in case of a single shot from them, to enter the palace and put to death every man in arms; that the Benares massacre was still fresh in the minds of the officers and sepoys, and that, notwithstanding the orders I had given to spare women and children, I could not expect much delicacy would be observed if once they entered. I therefore recommended her to consider the critical situation, and come to terms."

Imminence of the danger of a massacre.

One would have imagined that, after this representation, coupled as I know it was too with a fact—that this dreadful event was upon the point of happening—that there was one of the matchlock men who had his match to the gun upon the point of firing, when a Lieutenant Patrick (I think his name was) felled him to the ground—that, if that gun had been fired, every man and woman and child within those walls had been massacred—I say, after this representation and these facts had been so clear, your Lordships would have imagined that Mr. Middleton and Mr. Johnson would have been satisfied. But you will find they were still actuated by that dreadful responsibility Mr. Hastings had denounced against them, to prosecute his designs till the Begum was at the mercy of him to whom she had given a double life and who owed her every duty under heaven. They order him again to resume his former post under all this peril. Mr. Middleton reviews the whole of this correspondence; and, after he is acquainted with all these facts, he writes again to Major Gilpin.

Order from Mr. Middleton to Major Gilpin to replace the guard on the palace.

"It is not possible I can listen to any terms from the Begums before the final discharge of their conditional agreement for fifty-five lacs. Your coming here upon such an agency can only be loss of time in completing the recovery of the balance of 655,000*l.*, for which your regiment was sent to Fyzabad. I must therefore desire that you will leave no efforts, gentle or harsh, unattempted to complete this before you move from Fyzabad."

He then orders him to repossess himself of his former post. Major Gilpin again endeavours to touch his heart and to interest his humanity, deceived I suppose in imagining he had some humanity. He says:—

Further remonstrances of Major Gilpin.

"She (the Bow Begum) observes that her situation is truly pitiable; her estates sequestered, her treasury ransacked, her cojahs prisoners and her servants deserting daily from her for want of subsistence. That she has solicited the loan of money, to satisfy the demands of the Company, from every person that she imagined would or could assist her with any; but the opulent will not listen to her adversity. She did hope the wardrobe that was sent to Lucknow might have sold for at least one half of the Company's demands on her; but even jewellery and goods

she finds from woeful experience, lose their value the moment it is known they come from her." 13 JUNE 1788.

Sufferings of the women in the Khourd Mahal.

My Lords, while these transactions are going on with respect to the two Princesses, whom the Counsel have been very eager to distinguish from those who inhabited the Khourd Mahal—and it is necessary that a distinction should be made—your Lordships will find that still greater calamities fell, in consequence of those transactions, upon those unfortunate women. Your Lordships will recollect a considerable degree of examination with regard to the situation of the Khourd Mahal and the zanana; but, upon looking at the evidence, it will be seen they were perfectly distinct and separate buildings; that there was no communication; that there was in fact a house upon the banks of the Gogra between them, which was in part inhabited by British officers; that that large and spacious garden was the quarters of the guards; that these were two palaces totally disconnected, and there were separate guards: therefore there was no ground for the pretence that, in order to surround the zanana, they were obliged to surround them. And here your Lordships undoubtedly will ask—upon what pretence did they surround the lesser palace, where those unfortunate women and children lived?—children indeed whom Mr. Hastings, in his Defence before your Lordships, doubts the existence of. They were not accused of any rebellion. I suppose, while this great rebellion was going on, they had not been carrying on any little sub-rebellion of their own. I don't presume it was intended to be maintained that the Nawab, under the Mohammedan law, had any right to the property of these women.

Separation of the Khourd Mahal from the Zanana.

Absence of pretext for harshness to the women in the Khourd Mahal.

Closeness of their confinement.

Your Lordships recollect they stopped all persons going out of the palace; that even visitors with child who wanted to go out from the palace—that they prohibited them; that they searched every doolah or conveyance used for carrying out these women; that they exercised the same strictness, the same severity, towards the persons in the Khourd Mahal as to those in the palace. The consequence was that Captain Jaques writes on the 6th of March:—

Representations by Captain Jaques of their destitution.

"The women belonging to the Khourd Mhal complain of being in want of every necessary of life, and are at last driven to that desperation that they at night get to the top of the zenana, make a great disturbance, and, last night, not only abused the sentinels posted in the gardens, but threw dirt at them. They threaten to throw themselves from the walls of the zenana, and also to break out of it."

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And by Major Gilpin.

Major Gilpin, who succeeds Captain Jaques in command at Fyzabad, finds them in the same situation. In a letter of the 30th of October he says :—

"Last night, at eight o'clock, the women in the Khourd Mhal zenana, under the charge of Letaffut Ally Cawn, assembled on the tops of the buildings, crying in a most lamentable manner for food—that for the last four days they had got but a very scanty allowance, and that yesterday they had got none. The melancholy cries of famine are more easily imagined than described ;"—

there is much in this business indeed more easily imagined than described—

"and from their representations I fear the Nabob's agents for that business are very inattentive."

In a letter which he writes four days afterwards, he says :—

"The repeated cries of the women in the Khourd Mhal zenana have been truly melancholy. They beg most piteously for liberty, that they may earn their daily bread by laborious servitude, or to be relieved from their misery by immediate death."

They break out of the palace.

This matter proceeds, till, in a subsequent year—which the Counsel took particular pains to distinguish as being after the period of the exact existence of the present pressure; but if he is responsible for any part he is equally responsible for this—they did break out of the palace; they marched in melancholy array, the children in front, behind them the ladies of the seraglio, and behind them again their attendants. On the day following, their clamours were more violent than usual. Lataffut went to confer with them on the business of yesterday, offering the same terms. Depending upon the fidelity of his promises they consented to return to their apartments; which they accordingly did, except two or three of the ladies and most of their attendants. Lataffut then went to Hoshmund Ally Khan, to consult with him about what means they should take. They came to a resolution of driving them in by force, and gave orders to their sepoys to beat any one of the women who should attempt to move forward. The sepoys accordingly assembled, and, each one being provided with a bludgeon, they drove them by dint of beating into the zanana. He goes on with a description which is pitiable and disgusting to read. He concludes it—that the elder Begum sent for the wounded children; gave them money; shed tears over them; and lamented the miserable

Forcibly driven back by the sepoys.

state to which the family of Suja-ud-Dowla was then reduced. 13 JUNE 1788.

Release of the eunuchs by Mr. Bristow.

The whole of this business, as far as relates to the eunuchs and the Begums, is at last ended—not by any order, as your Lordships will observe, from Mr. Hastings, but by a humane act of disobedience rather on the part of Mr. Bristow; though, with a politic generosity he gives Mr. Hastings the credit of it; for he takes upon himself at last to release the ministers of the Begum. Major Gilpin describes the enlargement of the prisoners in two short letters, the one a public and the other a private letter. He says:—

"Dear Sir,—I wish you had been present at the enlargement of the prisoners. The quivering lips, the tears of joy stealing down the poor men's cheeks, was a scene truly affecting."

He mentions that it was to the great joy of all the city of Fyzabad that they were released, which shows the esteem in which they were held.

My Lords, to avoid the insinuation Mr. Hastings makes in his Defence, I have merely stated these facts. I shall not comment upon them, or endeavour to touch your feelings by observation upon any circumstance of aggravation whatever, but simply submit the facts to your Lordships.

Question of Mr. Hastings' responsibility for their proceedings.

My Lords, I now come to the argument upon which I feel and upon which alone I wish to state any force, which is, whether or not Mr. Hastings is answerable for this conduct? Your Lordships will recollect the treaty of the 12th of October, 1778, which Mr. Middleton acknowledges he did execute. Your Lordships will also recollect the two treaties—the one, Mr. Middleton's engagement to procure a treaty from the Nawab; and the other, the treaty signed by the Nawab in consequence of that engagement. Your Lordships recollect, I am sure, the number of questions and answers upon that subject. The result of which was that Mr. Middleton acknowledged distinctly that treaty with the Bow Begum of the 12th of October. He acknowledged he did sign that, and had complete sanction and authority from Mr. Hastings to sign it. As to the other treaty, he says, "I think I must have signed it;" and, upon refreshing his memory with his papers the next day, he says he thinks he did sign it; but he doubts and hesitates with regard to the authority from the board to sign that treaty.

Treaties executed by Mr. Middleton with the Nawab.

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Whatever doubt Mr. Middleton had upon the subject, I venture to assume that your Lordships, recollecting the evidence upon it, whatever confusion there might have been with respect to the dates and the time when signed, when you recollect that one plain decisive fact—I mean these treaties being given by the Nawab to Mr. Purling, in 1780, as acknowledged binding treaties—that when sent down to Calcutta they were entered upon record by Mr. Hastings, and not denied by him to Mr. Purling or the Begums—I assume that the conclusion in your Lordship's breasts is with me—that, when Mr Hastings left Calcutta in 1781, he did proceed bound and constrained by these treaties as much as by the guarantee in 1775 and the treaty executed by Mr. Middleton. Therefore their binding force upon Mr. Hastings in 1781 is proved, and I don't supppose there can be a doubt in one of your Lordships' minds upon the subject. What then? Examine these treaties, and you will find a representation of Mr. Middleton expressly stating that the jaidads and assignments for the maintenance of the Khourd Mahal were never paid. He expressly states that they did depend in great measure upon the country of the Begums. He expressly states that one of their jagirs was assigned for the very maintenance of this Khourd Mahal. Upon that representation these treaties were executed. Then I do say that those women who remained upon the faith of it in the seraglio, the marriage of these children, the portion for them, &c., being undertaken by the Begum upon the faith and sanction of these treaties —I say that these women and children had the same claim to the guarantee, to the good faith and protection, of the Company, as either of the Begums had. The Begums might forfeit it; so might they by misconduct. Is any misconduct alleged against them? None. Then, whenever the Governor General determined to resume the jagirs and seize the treasures, upon whatever pretence he did that, whether upon a base and dishonest pretence of an hereditary right in the Nawab or the base and stupid pretence of a rebellion, when he determined upon this, the first idea that ought to have presented itself to his mind was to have taken care that these women were not sufferers in consequence of removing that which proved to have been their subsistence, and that they were not reduced to that state of famine which I have read, and which the event proves was and must have been the inevitable consequence. I mention

Mr. Hastings bound by them.

Stipulation in one of the treaties for the maintenance of the Khourd Mahal.

Duty of Mr. Hastings to have secured a provision for the women.

that, with this fair inference upon it, as far as amounts to the crime of omission in Mr. Hastings. 13 JUNE 1788.

Now, with regard to the general responsibility in which he stood for the other actions. Mr. Hastings says he is not responsible for them. He uses the old hackneyed plea of Tyranny, assisted by his prime minister Treachery—that his instruments did them, and they are responsible for them and not he. And Mr. Middleton did make the strangest attempt—so strange that I am sure it cannot be blotted from your Lordships memory—when, in the last day, he made a stand against these transactions, telling us that he was fearing to criminate himself, because he was so unfortunate as to find that he had incurred, not only the displeasure of the House of Commons, but of his principal, Mr. Hastings, by these transactions; insinuating that his severities, his rigour, his conduct at Fyzabad, in seizing the treasures, and to the eunuchs afterwards, had been the cause of Mr. Hastings' displeasure. We pressed him upon that: he still persevered in it with a sort of avarice of infamy, with an aspiring after all the guilt: he persevered in saying—"I think myself more criminal than Mr. Hastings." "When did you learn it? When did you first hear Mr. Hastings disapproved of your conduct?" "Why, my conduct at Fyzabad was part of the charge against me upon my return to Calcutta." We pressed him home; and, before he left your bar, he was forced to own that the charge against him was for lenity and forbearance, and not for severity and rigour. Acting under that strange awe, that strange fascinating and domineering power, Mr. Hastings seemed ever to have held over him, he comes here in order to claim the infamy, to solicit the guilt, of all these transactions, and to transfer all the infamy and guilt from the head of Mr. Hastings to his own. But the fact is, he was accused for forbearance and not severity. "However," says Mr. Hastings, "I was so little the cause of these transactions that I was not acquainted with them till after I came to England." My Lords, I am at issue with the Counsel upon that point. I say it is not true. He knew the whole of the outline; he knew the whole of what was going on; nay, he did know the detail, as I shall show, in many points.

Responsibility of Mr. Hastings for the other actions.

His attempt to throw it on his agents.

Efforts of Mr. Middleton to exculpate Mr. Hastings.

His admission to the contrary.

Assertion of Mr. Hastings of his ignorance of the transactions.

With regard to the agency of Mr. Middleton, I shall not have much trouble to prove that to your Lordships. I have here a mass of evidence, which we have brought before your Lordships upon this occasion. We have given

Proofs of Mr. Middleton acting as the express agent of Mr. Hastings.

13 June 1788. you the whole history here of their connexion, from the first time when he was appointed in 1774 as his particular private agent. Your Lordships will then recollect the fact of his refusing to deliver up the correspondence relative to the Rohilla war upon the most public matters, in defiance and in disobedience of his masters, the Directors, and disobedience of the Council at Calcutta, because he was Mr. Hastings' private agent.

In one of Mr. Hastings' Defences before the House of Commons, he says, "In 1777 I re-appointed my own agent, Mr. Middleton;"—which shows that in 1777 he did consider him in the same light of peculiar responsibility to him as in 1774. Then what is his situation in 1780? The same. Your Lordships will see the battles and struggles; Mr. Hastings always fighting for him; his contest with General Clavering, Colonel Monson and Mr. Francis, those noble, worthy, characters, who did for a while make a stand for the honour of the English name. You see him making a struggle with Sir Eyre Coote, Mr. Francis and Mr. Wheler; and he at last gets him appointed in this way, dividing the office between him and Mr. Bristow. Then, in 1781, conscious of what his heart was fraught with, you see him removing Mr. Bristow from Lucknow, that there might be no spy upon the transactions that brooded in his breast, when they came to blow and blossom forth in the world. Look to the letters of credence he gives him. He tells the Nawab—he tells the Begums—"Mr. Middleton is myself:" and undoubtedly persons more identified, blended and made one, there never were since the Creation. Therefore, upon the circumstance of proving the agency of Mr. Middleton, and the peculiar responsibility which Mr. Hastings stood in with regard to this man's actions, I think I need not trouble your Lordships any further.

Responsibility of Mr. Hastings for acts done through his agent.

Now Mr. Hastings did none of these things himself. He was not on the spot. Granted. But I believe it will not be denied to me that it is not only consistent with sense and reason, but with strict law, that where any person by authority directs another to do a deed which is illegal, he becomes responsible for the consequences arising out of that deed, although he did not even foresee, much less direct, those consequences; that in that case the person whose authority awes, whose orders influence and direct it, in fact becomes the principal, and the agent who executes

rather the subordinate, in that business. These are the principles of natural law and reason. It is so to common sense; and is it not so to the common law of England? The common law of England is the perfection of common sense and the consummation of the reason of man. It is strict law that a person shall be responsible for the consequence of an illegal act done under his influence, his authority and direction. Mr. Hastings had at this time illegally assumed and taken to himself the whole power of the Council, civil and military. This Mr. Middleton owns he was apprised of; and, under this authority and under this idea, Mr. Middleton obeyed the orders of Mr. Hastings. 13 June 1788.

Question of Mr. Hastings having ordered the severities practised.

The next question is, what was the order he gave? Did he order irons—fetters—famine—guards—searching, scourging, persons? No: he says,—

His letter of instructions to Mr. Middleton.

"I approve of the Nabob's resolution to deprive the Begums of their ill-employed treasures. In both services it must be your care to prevent an abuse of the powers given to those that are employed in them. You yourself ought to be personally present. You must not allow any negotiation or forbearance, but must prosecute both services until the Begums are at the entire mercy of the Nabob, their jaghires in the quiet possession of his aumils, and their wealth in such charge as may secure it against private embezzlement. I now demand, and require you most solemnly to answer me—are you confident in your own ability to accomplish all these purposes and the other points of my instructions? If you reply that you are, I will depart with a quiet and assured mind to the Presidency, but leave you a dreadful responsibility if you disappoint me."

Here is the order, and here is the obligation. Now what is the question? Could Mr. Middleton execute this order by any milder means than those he attempted to carry it into execution with? We press him at your Lordships' bar, and he does own that it was not possible to have executed this commission by any other less severe means. Mr. Middleton says that no man living, even in times of war, could enter the walls of the zanana, other than the father, the husband or brother, of the Begums. Did Mr. Hastings suppose the treasures lay scattered about the outside of the walls of the zanana? Did he believe the Begums would deliver them up easily? Why, we have his own proof ten thousand thousandfold that he knew of their reluctance; that they were concealed; and that nothing but extremity and compulsion would force them from them. And in this the Counsel again assist us; because, when they say the Nawab was always aiming to get these treasures—if we choose to admit the fact, which,

13 JUNE 1788. as it makes against themselves, we have no great objection to do—they must have been upon their guard. But it is proved there was no earthly means of getting at these treasures or bringing the Begums to the entire mercy of the Nawab but by operating upon their hopes and fears—threatening and chastising their confidential servants. Then I assume this—that, if I only prove the agency, and prove the general principles of responsibility for agency—if I prove the order, and that it could not be executed by any lighter means than those used, I need not prove that he ever heard of the means. He might have stopped his ears for ever. But I will show that he heard of the means, and that, hearing of them, he approved them.

Forbearance of Mr. Middleton reproved by Mr. Hastings.

Mr. Middleton apologises for a temporary forbearance. Upon the 13th of January he writes to Mr. Hastings, and says the two eunuchs, Behar and Jewar Ali Khan, have delivered themselves into the Nawab's custody. He afterwards mentions their having been surrendered, and that they were then his prisoners. Mr. Hastings then, in a letter of the 25th, reproaches Mr. Middleton for having used the least forbearance. He says, he receives the advice of their having the eunuchs in possession at the time with satisfaction; but, he says.—

"You began by negotiation, which had the natural effect of exciting resistance: and you now tell me that, without hesitating a moment, you have given your concurrence to a temporary forbearance. It is possible that in this repeated opposition to my orders you have been actuated by some necessity,"—

Here he rebukes him, and gives him a lesson for the future; that if he hears of forbearance till he has accomplished the full effects of the order, namely, bringing them to the entire mercy of the Nawab, he lets him see what the effect of his anger will be: at this time he had not notice of severity or of irons—

"but this I can hardly suppose, as you have not even alluded to them or assigned reasons for having deviated from them. I shall wait anxiously for the result of your proceedings. After having, at the earnest solicitation of the Nabob, in the first instance, and his application to me for my concurrence in the second, agreed to his resumption of the jaghires held by the Begums and to the confiscation of their treasures, and thereby involved my own name and the credit of the Company in participation of both measures, I have a right to require and insist on the complete execution of them; and I look to you for their execution, declaring that I shall hold you accountable for it if they

shall fail of the ends proposed,—after the attainment of the means which the dismission and dispersion of these forces and the possession of the kella have afforded you for accomplishing them, beyond the apparent possibility of disappointment." 13 JUNE 1788.

Mr. Middleton afterwards lets him know that they had got the kella, and it was indispensably necessary in his own excuse to employ temporising expedients, and to work upon the hopes and fears of the Begum, and more especially upon those of her principal agents, through whose means alone there appeared any probable chance of our getting access to the hidden treasures of the late Wazir. He says in the same letter, excusing this strange suspicion and doubt of his having some humanity:— Letter of Mr. Middleton informing Mr. Hastings of his proceedings.

"Where force could be employed it was not spared."

He assures him of that, and then he informs him:—

"Her chief agents imprisoned and put in irons, no further step was left;"—

now, my Lords, observe this—

"and in this situation they still remain, and are to continue, excepting only a remission of the irons, until the final liquidation of the payment. And, if then you deem it proper, no possible means of offence being left in her hands or those of her agents, all her lands and property having been taken, I mean, with your sanction, to restore her house and servants to her."

Here then, upon the 5th of February, there is complete notice to Mr. Hastings of this—that they had surrounded the kella—that they had guarded the passages of it, dug out the treasures—that they had hold of the ministers—that they were in irons, and were to continue so till the final liquidation of the payment. He is now protesting solemnly in England that he never knew any part of the means used till his return to this country.

In a letter of the 25th he writes to Sir Elijah Impey:—and your Lordships recollect Sir Elijah Impey swears that all he received upon this subject he communicated to Mr. Hastings; so it was the same as if he had wrote to Mr. Hastings. He says:— His letter to Sir Elijah Impey concerning his treatment of the eunuchs.

"The ministers have supported me nobly throughout the business,"—

the nobleness of their conduct was this abandoned treachery to their mistress—

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"and deserve much commendation. Without the shrewd discernment and knowledge of the finesse and tricks of the country which Hyder Beg Cawn possesses, I believe we should have succeeded but indiffe-rently; for I soon found that no real advantage was to be obtained by proceeding at once to violent extremities with the Begum, and that she was only to be attacked through the medium of her confidential servants, whom it required considerable address to get hold of. However, we at last effected it; and, by using some few severities with them, we at length came at the secret hoards of the old lady." *

This is the language of the representative of the British government in India to the representative of British justice in India! Can it be so? or is it not rather the language of some banditti in a cavern plotting the destruction of some innocent family in their neighbourhood? So far we trace the information to Mr. Hastings.

Order of Mr. Hastings to dissuade the Nawab from a settlement.

The next thing is this order of Mr. Hastings:—

"I desire that you will endeavour to dissuade the Nabob from concluding any settlement with the Begums, until the Board or myself has been advised of the amount of the treasure recovered from them, and of the balance due at the latest period from the Nabob to the Company."

His accusation of Mr. Middleton of forbearance.

Your Lordships heard before that they were to remain under these severities—to remain in these prisons and under these irons—till a final settlement; and then Mr. Hastings orders him to make no final settlement till he shall give him special directions for it. Afterwards Mr. Middleton returns, and Mr. Hastings accuses him for his conduct at Fyzabad. And what does he accuse him of? He accuses him for his forbearance—for his lenity. He recognises and acknowledges his information of these facts, but that he was too lenient and too forbearing. Mr. Middleton makes a curious answer. He says, he was as severe as he could be; he exercised all the severity in his power. He talks of his expedition; for one of the charges against him was, not only that he was not cruel enough, but that he was not quick enough. He says:—

Answer of Mr. Middleton.

"On the 4th I went from Lucknow [which carries me two days beyond my promise. But had it taken twenty days, or even a month, it could not, I flatter myself, be termed a long or unwarrantable delay, when the importance of the business and the peculiar embarrassments attending the prosecution of it to its desired end] are considered."

Now your Lordships will attend to this—

"The Nawab,"—

says Mr. Middleton, excusing himself to Mr. Hastings—

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* Printed in the "Minutes of the Evidence," p. 636.

"the Nawab was son to the Begum, against whom we were to proceed. A son against his mother must at least save appearances in his mode of proceeding." 13 JUNE 1788.

This is not asserted but modestly and diffidently submitted by Mr. Middleton to Mr. Hastings—that a son must at least save appearances when persecuting and destroying his mother. And your Lordships will mark what follows, as an answer to the argument that the English were not movers in the business:—

"The produce of his negotiation was to be received by the Company. Receiving a benefit, accompanying the Nabob, withdrawing their protection, were circumstances sufficient to mark the English as the principal movers in this business. At a court where no opportunity is lost to throw odium upon us, so favourable an occasion was not missed to persuade the Nabob that we instigated him to dishonour his family for our benefit. The impressions made by such suggestions constantly retarded the progress and more than once actually broke off the business; which rendered the utmost caution on my part necessary, especially as I had no assistance to expect from the ministers, who could not openly move in the business. In the East it is well known that no man, either by himself or his troops, can enter the walls of a zenana, scarcely in the case of acting against an open enemy—much less of an ally—an ally acting against his own mother. The outward walls and the Begum's agents were all that were liable to be immediately attacked. They were dealt with, and successfully, as the event proved."*

He therefore confidently trusts that the spirit and main object of his orders were strictly adhered to and fulfilled, and that he shall no longer be held criminal for a deviation from them.

This is his defence to Mr. Hastings' accusation; detailing the circumstances of the cruelty; justifying it upon such grounds as surely never was justification offered to the ears of men before; and then Mr. Hastings tells you he never knew anything of the circumstances till he came to England. What is Mr. Hastings' reply to this? Does he admit that appearances were necessary to be observed by a son against his mother? Does he admit that there should be anything like decency or decorum where there is no principle—no humanity? No; he says, "My orders were peremptory," —he seems to have regretted that his first order, which was that there should be no forbearance, not even of an hour, was not carried into execution—"and, though a savage foe in time of war respects the sacred walls of a zanana, you ought not to have respected them, but to have pounced upon the prey immediately, though a massacre of men,

* Letter of Middleton to the Governor and Council; dated 28th July, 1783. —Printed in the Appendix to the "Minutes of the Evidence," p. 150.

13 JUNE 1788. women and children, had been the immediate consequence." For that is the direct conclusion.

Information given by Mr. Bristow to Mr. Hastings.

I should mention here to your Lordships, though I think I have proved it enough, that it does not stop even here; because after this Mr. Bristow goes up to Lucknow. Is he silent? Does he give him no information on these transactions? No; he transmits him this very paper which I have read, representing the famished condition of the Khourd Mahal. He informs him he has found the eunuchs under restraint and in prison. He then communicates to him, for the first time I will suppose, an extract of a letter which he (Mr. Bristow) received from Mr. Middleton in October, 1782, when he superseded him in his employ.* What does he tell him in that extract? He tells him he had kept these people in severe restraint. He refers him, I should say, to the correspondence between him and the Governor General for a full explanation of what had passed respecting the Begums. He says:—

"Not having since the 27th of January received any directions from the Board nor the Governor General relative to the Begums, I know not what their wishes may be concerning them."

It was in October, 1782, when Mr. Middleton writes this letter, and which is transmitted by Mr. Bristow to Mr. Hastings, which recapitulates what had been done with regard to Mr. Middleton and the Begums; and this letter Mr. Hastings receives and records.

Further information transmitted by Mr. Bristow to Mr. Hastings.

There are other letters from Mr. Bristow, which it is needless I am sure to trouble your Lordships with; but he afterwards gives Mr. Hastings notice that Major Gilpin had informed him that all further force would fail; that everything that violence could do had failed. He encloses Major Gilpin's letter, in which he says that then everything force or violence could do had been done, and now he recommends lenient measures. So says Mr. Bristow. He also transmits to Mr. Hastings the correspondence between Captain Jaques, Major Gilpin, himself and Mr. Middleton, upon the circumstances of the famine and the distresses of the Khourd Mahal.

Mr. Bristow's letter, announcing the release of the eunuchs, withheld from the

Now your Lordships will mark what Mr. Hastings does. Mr. Bristow determines to adopt lenient measures. He accordingly orders the eunuchs to be released. He writes

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* Printed in the Appendix to the "Minutes of the Evidence," p. 355.

word of this to Mr. Hastings. Mr. Hastings receives his letter and withholds it from the [Council]. That is the letter we had such a battle about, your Lordships recollect, with the Counsel, when they wanted us to read another letter that was nothing to the purpose. He withholds that letter; and then gets the Board to write to know what had been done with respect to the Begums. After he had heard a detail of all the severities—of all the cruelties; after he had not only had this communicated to him, but had heard from the best authority that nothing but lenient proceedings would do—he suppresses the information that the Begum's ministers were released, and gets the Board to give a new order to recommence severities, which he had already been apprised were not equal to the object. This is the man that had never any information upon the subject till after his arrival in England!

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Council by Mr. Hastings.

If anything more was wanted upon the subject—the Directors here order an inquiry. By suppressing that inquiry while Mr. Middleton and Mr. Johnson were upon the spot, he avoided an opportunity of gaining fuller information, if he wanted fuller information, upon that subject. To crown the whole, he hears them narrated in our charges; he hears Mr. Middleton's explanation upon them; he hears them, [and says] deliberately,—

Suppression by Mr. Hastings of inquiry ordered by the Directors.

"I won't say they are mine, but they are just, honourable, humane and politic."

This crowns the whole; this shows the monstrous falsity upon which the whole of his Defence is founded. I have proved the falsity of the assertion; that he knew, not only the outline, but the detail; that, knowing it, he approved it; and he defended it as just, politic and honourable. And am I now to be told, when I have brought such proof before your Lordships, that when he gives an agent authority to awe, to force, to compel, to kill—when he inflames and pronounces dreadful responsibility—when he has communications of it, he says,—

"I am happy to hear of it, and shall return with delighted mind to Calcutta;"—

when he afterwards makes a charge against his agent that he was not cruel enough—when he finally calls all the measures just, humane and politic—am I then to be told that he is not responsible, because I cannot prove that he ordered the

13 June 1788. number of lashes or the weight of the irons? Shall I be told he was not the cause this noble tree was felled, because he ordered them to lay an axe to the root but did not bid them tear the bark—because he ordered them to tear out the heart but did not order a drop of blood to be shed? My Lords, he is as much responsible as if he had himself executed these orders; as much as if he had executed that threat; as much as if he had stooped to the gaoler's office and fastened the irons on the swollen feet of the ministers; as much as if he had torn the bread from the children's mouths; as much as if he had searched the zanana and examined the doolahs. I say I have brought home these crimes and laid them full upon Warren Hastings at your bar—that he is answerable for them to law, to equity, to his country and to his God.

My Lords, having concluded this head with respect to the responsibility of Mr. Hastings for these actions, I trust your Lordships will at least do me the justice to own that I avoided the reproach Mr. Hastings has endeavoured to throw upon the Commons, of laying their force and their stress upon the incidents and upon the calamities themselves, and endeavouring to procure an interest in the mind from them; that I did pass them over as lightly as I could in respect to the assembly I speak before, and in respect indeed to the national character of those Englishmen who, I am sorry to say, were concerned in it; that I did point it to the ground upon which I wish to stand upon—a clear, plain, proof of facts, and clear, warrantable, conclusions from the facts themselves.

His attempt to include the Council in the responsibility.

Mr. Hastings has endeavoured to cast the reproach, the infamy, the crime, of these transactions upon his instruments and agents. He is not content with that, but, feeling no doubt that would probably fail him, he then has recourse to another expedient, namely, to endeavour to shelter his delinquency by finding participators in his guilt, thinking he can procure impunity to himself by proving community in his crimes. In his Defence before the House of Commons, first he says they were not his, they were the instruments'. Then, whosever they were, they were admirable actions, just, humane and politic. That your Lordships will judge of. But then he concludes with saying,—

"However, if they are not so, the Board were equally concerned and equally responsible."

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equally concerned and equally unanimous with himself. Good God! this poor, miserable, Board—I don't mean to speak with any disrespect of Sir John Macpherson; but has Sir John Macpherson no friend in the world that would wish to vindicate him from this foul charge? Mr. Wheler is unfortunately dead; but has he no friend that would wish to rescue his name from being the associate in such transactions? Mr. Stables, with a pathetic exclamation—and the heart's tongue spoke at the moment—when he was asked, had he any share in this? "No; God forbid!" He deprecated the idea in the most solemn manner that he could, to clear himself from the imputation. In one respect some degree of, not guilt, but error certainly, may be attributed to the Board—I mean for the criminal credulity which they gave to Mr. Hastings' account of these transactions.

Withholding of information of his proceedings from the Council.

Your Lordships must never for a moment leave out of your minds this decisive circumstance, that, during all the time he was absent, till the very moment he had his hand upon the treasures and could send an account of the spoils of his rapine, as well as the means he took to effect it, he never once acquainted the Board of Calcutta with any one of the transactions. If your Lordships look at the letters to the Directors, it is a most ludicrous series of letters. There you hear them say:—

Letters of the Council to the Directors, giving no particulars of his proceedings.

"Mr. Hastings, the Governor General, is with great power in the upper provinces; he had an escape at Benares; what he is about since we don't know."

Then you have a letter late in December from them, in which they say, they have got accounts at last about him, and if they had time to copy them they would send them. The ship remains seven days, and nobody could find time to copy this little treaty of Chunar. The Swallow never brings home any one account; not a word of the Begums, nor of confiscation, nor of rebellion. The Directors have not a syllable of information upon that subject, when the Swallow leaves Calcutta in January. At last the Board do get information: and here, if there can be aggravation to the crimes we accuse him of, it is the mass of falsity to which he induces these gentleman to sign their names in concert with himself—for I accuse none of them. This letter of the 11th of February consists of ten paragraphs, and there is not one syllable of anything like a fact that Mr. Mac-

13 JUNE 1788. pherson and Mr. Wheler set their names to. They mention their having detained the Swallow for the purpose of carrying home a complete narrative of the Governor General's proceedings at Benares and Chunar, which they daily expected to receive from him; but the length of the paper and the great number of references in it made it impossible to send it down sooner than he did, and they found it would have required a long time to copy them; therefore the Swallow went without them. They despatch the Nancy, and send home Major Fairfax, at the expense of ...... pounds, to the Company; and he modestly disclaims any merit for reclaiming a province, because he confesses he was the means of losing it. They send home the ship Nancy with the accounts of the Governor General, which your Lordships recollect is that famous Narrative, with that forged date of the 29th of November included in it, by which he could not dupe the Board; and how they came to join in the deception I cannot reconcile well to my mind; because they knew that it was not the 29th of November, for they never had such a letter: but it was done to make the Directors believe he had written it on the 29th of November; and there he tells them of the Begums, the Chunar treaty, &c. Many people, I am aware, may have looked at this subject and be a little puzzled to make out why he fixed upon this day, the 29th of November, more particularly than any other day – whether it was from any Indian prejudice, from its being the site or fortunate hour. But, if your Lordships look a little into the matter, you will see some reason for the date. It does seem a little odd, as Sir Elijah Impey was coming back with the affidavits the next day, that he should not have waited till he got that testimony before he sends this long letter to the Directors. But he parries that. It showed, he thought, these affidavits might require some little segregation—the cramp word used by Sir Elijah Impey. I do think, from that cramp phrase and the denial of being employed in such an office, which he gave by anticipation, that it does appear that it was literally the idea of its being the very duty he was employed in which suggested an idea of denying the fact. But, however, he chose this date, the 29th of November. He says it can be well attested; which shows he had not got the attestations. Sir Elijah Impey was not returned. But there were other good reasons, were it necessary, for having withdrawn the temporary

Transmittal of Mr. Hastings' Narrative, with a forged date.

Reasons for the forgery.

brigade, and thrown the expense of it upon the Company. There are many little internal circumstances in the letter which will show he chose wisely in fixing this date, if he could impose upon the Directors, for that purpose. 13 JUNE 1788.

However, this Narrative comes home to the Board at last. They say, the motives and reasons upon them are so much at large it is unnecessary to add any. And there is nothing more material than that when Mr. Hastings, free from all confusion, having leisure and recollection of mind, and having accomplished his object—when he sits down deliberately to tell what he did and why he did it to the Directors—if, upon his return, when he does that he tells nothing but falsehood, then I do imagine your Lordships will suspect there is a degree of guilt at bottom. He says:—

Falsehoods contained in the Narrative.

"By these it will appear that the treachery and intrigues of Cheyt Sing, supported by the disaffection and restless disposition of the Bow Begum, mother to the Nabob of Oude, at Fyzabad, produced insurrections in that country which till lately we were unapprised of, on account of the communication between that place and Benares being wholly cut off."

That the insurrections in Oude were caused by Cheyt Sing and the Begums.

This is one of the facts which he makes Sir John Macpherson and Mr. Wheler put their names to. The first moment this information reached them they received accounts of the successful efforts of their troops in September. The Counsel have endeavoured to establish that the first successful effort was on the third; that the sepoys under Colonel Hannay gave evident proofs by their desertion that they had been tampered with, and he with most of his officers were in great danger of their lives, a detachment under Lieutenant Gordon having been actually attacked and cut off, and the rest of the corps being surrounded by the rabble levied. Now by whom do your Lordships think this rabble were levied?—levied under the sanction of the Begum, avowedly for the service of Raja Cheyt Sing. He makes the Council say that the troops that attacked him were troops levied under the authority of the Begum, and there is not one word of the rescue. They then mention how these circumstances are corroborated. Then the Council tell them that—

That the people attacked Colonel Hannay and Lieutenant Gordon under sanction of the Begum.

"The just grounds of suspicion which had been given to the Nabob by the Begums and other principal jagirdars in his country, by the symptoms of disaffection and even treachery displayed in their conduct, made it an object of serious consideration with him to take the first

Disaffection of the jagirdars necessitated the confiscation of their jagirs.

13 JUNE 1788. opportunity which should offer, consistent with justice, to dispossess them of the means of becoming injurious to his authority; and, the necessities of his government requiring extraordinary aid, he resolved to take this occasion of depriving them of these extensive jaghires, which enabled them to become troublesome by the revenues which they yielded and the number of dependants necessarily retained for their collection and defence, and to resume the lands."

This is the fourth or fifth direct untruth, as your Lordships must recollect.

"As the Resident at Lucknow had been made guarantee to an agreement formerly executed between the Nabob and the Begum, in which he had engaged, for a specific sum of money, to desist from all further claims upon her, it was necessary for him to acquire the sanction of this government to his intentions before he could carry them into execution, which the infidelity of the Begum gave but too much reason to grant. You will find this measure provided for in the treaty."

Now comes the grand climax of falsity of the whole:—

That a revolt was raised by the Begum.

"On the first attempt made by the Nabob to carry this plan into execution against the Begum, she determined to resist his authority,"—

for this, if there could be no other proof, he never could hold up his head; for, having set his hand to this paragraph, he was bound to conceal no part of the truth from them—

"and raised a revolt by the means of her eunuchs, who had collected a force of about 5,000 men in order to set the Nabob at defiance. Notice of this second insurrection having been transmitted by the Resident without loss of time to the Governor General at Benares, he immediately ordered a large detachment to march from Cawnpore,"—

the purpose of which your Lordships will recollect—

"and the Nabob resolved to go in person to Fyzabad."—

That was the first time he took that resolution.

"On his arrival there, by the assistance of our troops he took possession of the kella; and the eunuchs, seeing it would be in vain to make a stand when superior forces were expected, surrendered themselves prisoners to the Nabob, and their followers dispersed. In order to punish the Begum for this daring ill-conduct, and to put it out of her power to apply the treasures which she had amassed to the purpose of raising further commotions in his country, the Nabob resolved to seize her wealth."*

His inducement of the Council to agree to the report to the Directors.

My Lords, I do say that his inducing the Council to sign their names with rash credulity to his assertion to this

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* Extract from a letter from the Board at Calcutta to the Court of Directors, dated 11th February, 1782.—Printed in the "Minutes of the Evidence," &c., p. 638.

string of falsehoods—[such] that, if ever Sir John Macpherson comes to that bar, I will venture to say he will stand ashamed at his weakness and credulity to have been so imposed upon; for I understand he is an honourable and sensible man—but to see the name of Warren Hastings the first to sign this deliberate falsehood to the Directors,—I say, if I had proved nothing before, that this would prove not only the guilt, but, what is more material if possible, the conscious guilt and the real sense he had of his own ill-conduct at the moment when all these transactions were over. 13 JUNE 1788.

I think so far I shall have vindicated the Council, for they were wholly imposed upon: and it is this circumstance of deliberation and consciousness of his guilt—it is that that inflames the minds of those who watch his transactions. They root out all pity almost for persons who can act under such an influence. We have an impression of such tyrants as Caligula and Nero, that, having been bred up to tyranny and oppression, having had no equals to control them, no moment for reflection—we conceive that if it could have been possible to seize the guilty profligates for a moment you might bring conviction to their heart and repentance to their mind. But where you see a cool, reasoning, deliberate, tyrant—one who was not born and bred to an arrogant, fell, despotism; who has been nursed in a mercantile line; who has been used to look round among his fellow subjects, to transact with his equals, to account for his conduct to his masters, and, by that wise system of the Company, to detail all his transactions; who never could fly one moment from himself, but must be obliged every night to sit down and hold up a glass to his own soul—could never be blind to his deformity, and who must have brought his conscience not only to connive but to approve of it—this distinguishes it from the worst cruelties, the worst enormities, we read of—of those who, born to tyranny, who, finding no superior, no adviser, have gone to the rash presumption that there were none above to control them hereafter. This is a circumstance that aggravates the whole of the guilt of the unfortunate gentleman we are now arraigning at your bar. Deliberateness of his guilt.

There still remains behind one circumstance which—your Lordships perhaps will be surprised when I say that I protest, if I was to call upon you to dismiss any impression I may have made, and the recollection of every fact His stifling of the inquiry ordered by the Directors.

13 JUNE 1788. and every proof I have brought forward—if I were to call upon you to blot them out from your minds—one circumstance remains, which I before a little alluded to, which would in itself be final and conclusive against him—I mean the circumstance of his stifling an inquiry and voting an indemnity to himself, as we rightly charge it and he boldly denies it, upon receiving the orders of the court of Directors, sent even upon this false account transmitted home by him and the Council whom he had imposed upon.

Your Lordships will recollect that this letter of the 11th of February and the fabricated Narrative were the only papers before the court of Directors; yet even upon this false account—though not much in the habit of firing with that indignation which they ought to feel at oppression, tyranny and fraud, practised by their servants, especially where it is a productive fraud and brought emoluments into their coffers—they did fire, notwithstanding that, when they heard of these transactions. They express themselves in strong terms of disapprobation of the revolution of Benares. They say:—

Disapproval of the Directors of the resumption of the jagirs.

"With respect to the resumption of the jaghires possessed by the Begums in particular, and the subsequent seizure of the treasures deposited with the Vizier's mother, which the Governor General, in his letter to the Board of the 23d January, 1782, has declared he strenuously encouraged and supported, we hope and trust, for the honour of the British nation, that the measure appeared to be fully justified in the eyes of all Hindostan."

They then state the circumstance of the guarantee they had.

"If, therefore, the disaffection of the Begums was not a matter of public notoriety, we cannot but be alarmed for the effects which these subsequent transactions must have had on the minds of the natives of India. The only consolation we feel upon this occasion is that the amount of these jaghires, for which the Company were guarantees, is to be paid through our Resident at the court of the Vizier."

What that consolation was, and what foundation there was for their comfort, your Lordships are already apprised. They then add:—

"If it shall hereafter be found that the Begums did not take that hostile part against the Company which has been represented, as well in the Governor General's Narrative as in several documents therein referred to, and as it nowhere appears, from the papers at present in our possession,"—

having the whole of what he calls his legal, complete, evidence,— 13 JUNE 1788.

"that they excited any commotion previous to the imprisonment of Rajah Cheyt Sing, but only armed themselves in consequence of that transaction; and as it is probable that such a conduct proceeded entirely from motives of self-defence, under an apprehension that they themselves might likewise be laid under an unwarrantable contribution,—we direct that you use your influence with the Vizier that their jaghires may be restored to them." *

Here your Lordships see the Directors did make a fair and natural conclusion, even upon all that mass of falsehood, disguise and misrepresentation. They did believe there had been some arming and something like a preparation for resistance—the reverse of which I have proved. They naturally concluded that they might have dreaded the fate of Cheyt Sing, and that all persons might have put themselves in a state of defence after that transaction. Now what do your Lordships think is Mr. Hastings' conduct? Mr. Wheler, willing always implicitly to conform to the orders of the court of Directors, moves for an inquiry upon the subject,—

An inquiry moved for at the Board of the Council.

"And that the present Resident at the Vizier's court and the commanding officers in the Vizier's country ought to be required to collect and lay before the Board all the information they can obtain with respect to the defection of the Begum during the troubles at Benares and their present to the Company."

A proper proposition to come from any man who regarded either his own character or the duty he owed the Directors. This, however, must not be given way to. Mr. Hastings accordingly takes a curious distinction, and denies that the court of Directors had ordered any inquiry. Says he, "They say, 'If upon the inquiry;' but they don't say, 'which inquiry you shall make.' Now they have expressed themselves ill, and have omitted to say you must make an inquiry. They have presumed upon what they had no right to presume, namely, our good faith and fair understanding of the spirit of their orders; and now, as I do not see in the bond, 'Make an inquiry,' I dont see that I am bound to make an inquiry."

Mr. Macpherson at first is desirous of supporting Mr. Wheler; and a minute comes of Mr. Macpherson's, which the Council took particular pains to have placed upon the

* Printed in the "Minutes of the Evidence," p. 920.

13 JUNE 1788. minutes as part of our evidence—I shall say a word why presently. Then comes an answer from Mr. Hastings to Mr. Macpherson, which I will venture to say does exceed anything of the sort, even in his own compositions — for nowhere else can you look for anything like any part of them — anything he had hitherto anywhere penned: he says :—

Answer of Mr. Hastings.

"I should gladly acquiesce in the motion made by Mr. Macpherson if I thought it possible to frame a letter to the Begums in any terms which should at the same time convey the intimation proposed by it, and not defeat the purpose of it, or be productive of evils greater than any which have already taken place and which time has almost obliterated."

This is in October, 1783; and the ministers had been released about seven or eight months from their irons. But he conceived that, in the rapidity and succession of his own enormities, nine months was a sufficient time to obliterate any past transactions of his.

Opposes the inquiry.

"If I am rightly informed, the Nabob Vizier and the Begums are on terms of mutual good will. It would ill become this government to interpose its influence by any act which might tend to revive their animosities, and a very slight occasion would be sufficient to effect it. It will be of little purpose to tell them that their conduct has in our estimation of it been very wrong, and at the same time to announce to them the orders of our superiors which more than indicate the reverse. They will instantly take fire on such a declaration, proclaim the judgment of the Company in their favour, demand a reparation of the acts which they will construe wrongs with such a sentence warranting that construction, and either accept the invitation to the proclaimed scandal of the Vizier, which will not add to the credit of our government, or remain in his dominions, but not under his authority, to add to his vexations and the disorder of the country by continual intrigues and seditions. Enough already exists to affect his peace and the quiet of his people. If we cannot heal, let us not inflame the wounds which have been inflicted." *

Tender, compassionate, considerate, man!

"If the Begums think themselves aggrieved to such a degree as to justify them in an appeal to a foreign jurisdiction—to appeal to it against a man standing in the relation of a son and grandson—to appeal to the justice of those who have been the abettors and instruments of their imputed wrongs—let us at least permit them to be the judges of their own feelings, and prefer their complaints before we offer to redress them. They will not need to be prompted."

And now, before I come to the last magnificent paragraph, let me call the attention of those who think them-

* Printed in the "Minutes of the Evidence," p. 923.

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selves perhaps capable of judging of the dignity and character of justice in this country—let me call the attention of those who arrogantly, possibly, presume that they understand what the features, what the duties, of justice are here and in India—let them learn a lesson from this great statesman, this enlarged, this liberal, philosopher :—

Argues that the demand for inquiry ought to come from the Begums.

"I hope I shall not depart from the simplicity of official language in saying that the majesty of justice ought to be approached with solicitation, not to descend to provoke or invite it, much less to debase itself by the suggestion of wrongs and the promise of redress, with the denunciation of punishment before trial, and even before accusation."

This is the exhortation which Mr. Hastings makes to his Council! This is the character which he gives of British justice!

Minute of Sir J. Macpherson.

Here the Counsel choose we should read a minute of Sir John Macpherson. Why they should I am at a loss to determine; only that I see something I regret in this minute, and something that I should not have expected from the good sense of Sir John Macpherson; because he seems to have been convinced by this bold, bombastical, quibble, which I should have thought he would have laughed at to Mr. Hastings' face. He answers, "The majesty of justice ought certainly to be met with solicitation, and should not descend to provoke or invite it." That is very true, he is convinced, when he hears this character of justice. Was it in tenderness to Sir John Macpherson they wished us to read this? What does it prove? It proves nothing but that he had something of an oriental style; that he had not learned his ideas of the sublime and beautiful in writing from the immortal leader of the present prosecution. Upon the strength of this the inquiry is stifled and crushed: and this Mr. Hastings denies to be stifling the inquiry. This he says was not checking an inquiry—not dreading the result of an investigation. What Sir John Macpherson's opinion of this majesty of justice was is little to me. I will ask your Lordships—do your Lordships approve this representation? Do you feel that this is the true image of justice? Is this the character of British justice? Are these her features? Is this her countenance? Is this her gait or her mien? No: I think even now I hear you calling upon me to turn from this vile libel—this base caricature—this Indian pagod (?)—this vile [idol?] hewn from some rock—blasted in some unhallowed grove—formed by

13 June 1788. the hand of guilty and knavish tyranny to dupe the heart of ignorance—to turn from this deformed idol to the true majesty of justice here. Here, indeed, I see a different form, enthroned by the sovereign hand of Freedom, and adorned by the hand of [Mercy ?]—awful without severity —commanding without pride—vigilant and active without restlessness and suspicion—searching and inquisitive without meanness and debasement—not arrogantly scorning to stoop when listening to the voice of afflicted innocence—and in its loveliest attitude when bending to uplift its suppliant at its feet.

My Lords, I have closed the evidence. I have no further comments. When I have done with the evidence I have done with everything that is near my heart. It is by the majesty—by the form—of that justice that I do conjure and implore your Lordships to give your minds to this great business. That is the only exhortation I have to make. It is not to exhort you to decide with perfect clear conscience—with confident proof in your bosom—without suffering the influence of any power upon earth to weigh with you—without suffering any party or political feeling. It would be presumption to warn you against that—I know it cannot be the case. But what I exhort you to is, that when you lay your hands upon your breasts, you not only cover that pure, sublime and clear, conscience, but that you do cover a mind convinced by a diligent application to the evidence brought before you. It is to that I quote the example of the Commons, to exhort your Lordships to weigh and to look into facts—not so much to words, which may be denied or quibbled away—but to look to the plain facts—to weigh and consider the testimony in your own minds. We know the result must be inevitable. Let the truth appear, and our cause is gained. It is to this I conjure your Lordships, for your own honour—for the honour of the nation—for the honour of human nature now entrusted to your care—that I, for the Commons of England speaking through us, claim this duty at your hands. They exhort you to it by everything that calls sublimely upon the heart of man—by the majesty of that justice which this bold man has libelled—by the wide fame of your own renowned tribunal—by the sacred pledge by which you swear in the solemn hour of decision; knowing that that decision will then bring you the greatest

reward that ever blessed the heart of man—the consciousness of having done the greatest act of mercy for the world that the earth has ever yet received from any hand but Heaven. 13 June 1788.

My Lords, I have done.